

**MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY NOVEMBER 14, 2023, AT 9:00 AM
COUNTY-CITY BUILDING, ROOM 112**

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

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska website, emailed to the media and published in the Lincoln Journal Star print and digital editions on November 10, 2023.

Commissioners present: Sean Flowerday, Matt Schulte and Rick Vest

Commissioners absent: Christa Yoakum and Roma Amundson

Others present: David Derbin, County Chief Administrative Officer; Kristy Bauer, Deputy County Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Matt Hansen, County Clerk; and Meggan Reppert-Funke, County Clerk's Office

Flowerday called the meeting to order at 9:00 a.m., and the Clerk announced the location of the Nebraska Open Meetings Act.

1) MINUTES

A. Approval of the minutes of the Board of Commissioners meeting held on November 7, 2023.

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

2) CLAIMS

A. Approval of the claims processed through November 14, 2023.

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

B. Approval of a claim to Indian Center Inc in the amount of \$250. (Batch 300462, Document 822890)

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

3) SPECIAL PRESENTATION

A. Commissioners' Award of Excellence for September 2023 to Chris Laird, Sheriff's Office, in the category of Loss Prevention.

The Clerk read a letter describing the reasons for the award (see agenda packet).

Terry Wagner, County Sheriff, discussed the reasons for the award. Laird stated he was just trying to save the county money. Vest presented Laird with a plaque. Commissioners thanked Laird for his work.

4) 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 County contract C-18-0764 with SHI International Corp for strategic budgeting and planning. (NASPO ValuePoint Master Agreement AR2488, MOU039. The amendment renews the contract for 3 years beginning December 18, 2023 and ending December 17, 2026, and the cost to the County for the 3-year term is not to exceed \$364,809.98.) (C-23-0908)
- B.** Right-of-way contracts with the following:
 - 1. Matthew and Devori Spangler, Northwest 112th Street and West Fletcher Avenue, in the amount of \$1,405. (Project 24-21 / M-272) (C-23-0904)
 - 2. Jeff and Natalie Myers, First Street and Breagan Road, in the amount of \$280. (Project 24-21 / P-053) (C-23-0905)
 - 3. Brown Family Revocable Trust, Northwest 112th Street and West Raymond Road, in the amount of \$280. (Project 24-21 / C-087) (C-23-0906)
- C.** Change Order 2 to contract C-23-0573 with Vogtscapes Inc to provide incentive payment due to Structure S-180 opening prior to the end of the contract timeframe. (Bid 23-082; Project 22-40/22-41. Vogtscapes will receive a total incentive payment of \$30,000.) (C-23-0903)
- D.** Change Order 2 to contract C-23-0507 with JMN Construction LLC for repairs to County Bridge N-96 for project overruns due to additional delamination of concrete discovered during repairs. (Bid 23-086; Project 21-60. The Change Order results in a contract price increase of \$21,227.25.) (C-23-0907)
- E.** Amendment to the County Clerk's Office monthly report for October 2023.
- F.** Received and placed on file the Records & Information Management report for October 2023.

MOTION: Schulte moved and Vest seconded approval of the consent items. Schulte, Flowerday and Vest voted yes. Amundson and Yoakum were absent. Motion carried 3-0.

5) UNFINISHED BUSINESS

- A.** Resolution in the matter of amending the County Purchasing Manual to include a conflict of interest statement. (R-23-0095)

Peter Kroll, City and County Purchasing Agent, stated there were amendments to the language since last week when the item appeared on the agenda. He asked the Board to approve the updated language.

Candace Berens, Deputy County Attorney, stated the language was updated to make it clearer that those with conflicts of interest were not precluded from the bidding process. She reviewed additional changes and provided an updated copy (Exhibit 1).

Schulte stated the changes addressed his previous concerns.

MOTION: Schulte moved and Vest seconded to approve the resolution with the revisions made by the County Attorney's Office and the Purchasing Division.

Vest asked Kroll if the changes would negatively impact the Purchasing Division, and Kroll answered no.

ROLL CALL: Vest, Schulte and Flowerday voted yes. Amundson and Yoakum were absent. Motion carried 3-0.

6) NEW BUSINESS

- A. Training Provider Agreement with the American National Red Cross authorizing the Mental Health Crisis Center to use Red Cross training materials and curriculum to deliver Basic Life Support, Bloodborne Pathogens, CPR/AED, and Emergency Medical Response training. Unit prices are stated in the price list in Appendix B. (C-23-0901)

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

- B. Agreement with Continuum Employee Assistance to provide an employee assistance program (“EAP”) for County employees. The County will pay \$21,383 per year. (The term of the agreement is for three years.) (C-23-0902)

Nicole Gross, Human Resources Total Awards Division Leader, reviewed the agreement and noted it represents a three percent increase from last year. Continuum is adding an online platform to services provided to county employees.

Vest stated the resource is helpful for those with mental health concerns. Gross listed the services included.

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

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

Robert Borer, Lancaster resident, expressed concerns about processes around counting votes in local elections.

Thomas Morgan stated he agreed with Borer that our elections are stolen.

Penny Stephens, Lancaster resident, played a video recording of a Kansas legislative hearing on election security.

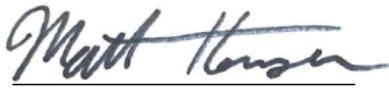
Ken Anderson, Douglas resident, displayed an article on electronic voting machines and an article on elections in Pennsylvania (Exhibit 2).

8) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 16, 2023, at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold its regular meeting on Tuesday, November 21, 2023, at 9:00 a.m., with the Board of Equalization immediately following in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C. County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- D. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTv (LNKTv.lincoln.ne.gov). LNKTv is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule, visit lincoln.ne.gov (keyword: LNKTv). Meetings are also streamed live on YouTube and Facebook ([YouTube.com/LNKTvcity](https://www.youtube.com/LNKTvcity) and [Facebook.com/lancasterne](https://www.facebook.com/lancasterne)). LNKTv apps are also available on Roku, Apple TV and Amazon Fire TV.

9) ADJOURNMENT

MOTION: Vest moved and Schulte seconded to adjourn at 9:38 a.m. Schulte, Flowerday and Vest voted yes. Amundson and Yoakum were absent. Motion carried 3-0.



Matt Hansen
Lancaster County Clerk



EXHIBIT 1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING)
THE COUNTY PURCHASING MANUAL) **RESOLUTION NO.** _____
TO INCLUDE A CONFLICT OF INTEREST)
STATEMENT)

WHEREAS, the purpose of the County Purchasing Act, Neb. Rev. Stat. " 23-3101 through 23-3115, is to provide a uniform purchasing procedure for county purchases of equipment, supplies, other items of personal property, and services;

WHEREAS, the Lancaster County Board of County Commissioners ("Board") has previously established a policy to provide uniform purchasing procedures for Lancaster County ("County"), commonly referred to as the Lancaster County Purchasing Manual;

WHEREAS, on November 5, 1974, the Board adopted its policy by County Resolution No. 2907, which was later amended by: County Resolution No. R-06-0115, County Resolution No. R-08-0012; County Resolution No. R-11-0007; County Resolution No. R-12-0103; County Resolution No. R-19-0015; County Resolution No. R-19-0019; and County Resolution No. R-23-0008; and

WHEREAS, the Board desires to amend the Lancaster County Purchasing Manual to include a conflict of interest policy to ensure a fair and open competitive bidding process that is free from any conflicts of interest.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of County Commissioners that it hereby adopts the following conflict of interest policy, and that it hereby amends the Lancaster County Purchasing Manual to include the following Conflict of Interest Statement:

CONFLICT OF INTEREST STATEMENT

I. PURPOSE

The purpose of this Statement is to ensure a fair and open competitive bidding process that is free from any conflicts of interest.

II. DEFINITIONS

“County” means the County of Lancaster, Nebraska, and its elected officials, appointed officials, officers, directors, employees, or members of a committee.

“Involved Parties” means providers of goods and services to the County; respondents to County solicitations to bid, to requests for proposals, or requests for qualifications; prospective providers of goods and services to the County; and prospective respondents to County solicitations to bid, to requests for proposals, or requests for qualifications; including a member of their immediate family, or a business with which they are associated, and all of their employees, officers, representatives, agents, independent contractors, and directors.

“Gift” means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given therefor.

“Business with which they are associated” means a business: (1) In which the individual is a partner, limited liability company member, director, or officer; or (2) in which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five percent equity interest or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten percent equity interest.

III. POLICY

The County prohibits the direct or indirect solicitation or acceptance of gifts to the County from Involved Parties. Any offering, acceptance, or request of gifts from Involved Parties is considered a competitive bidding violation.

In addition, the County’s elected officials, appointed officials, officers, directors, employees, and members of a committee participating in the County procurement or competitive bidding process shall disclose instances where they, or members of their immediate family, or a business with which they are associated are financially interested in or have any personal beneficial interest, either directly or indirectly, in any contract, purchase order, or other instrument for the purchase of real or personal property or services

used by or furnished to any office, officer, official, department, agency, or instrumentality of the County of Lancaster, Nebraska. Such disclosures shall be made in accordance with the reporting procedures explained in Paragraph IV below.

Involved Parties may provide gifts to the County, as long as those contributions are not directly or indirectly related to County procurement activities or decisions and are not given to circumvent the competitive bidding process.

IV. REPORTING

If any County elected officials, appointed officials, officers, directors, employees, or members of a committee participating in the County procurement or competitive bidding process suspect that they, or members of their immediate family, or a business with which they are associated are financially interested in or have any personal beneficial interest in any contract, purchase order, or other instrument for the purchase of real or personal property or services, they must promptly report the suspected financial or personal beneficial interest to the County Board or Purchasing Agent prior to participating in the issuance of an award of a bid or contract. In the event the Purchasing Agent receives such a report it shall promptly be reported to the County Board. Following receipt of such report, the County Board shall determine whether and how to appropriately screen the County elected officials, appointed officials, officers, directors, employees, or members of a committee, from any implicated County procurement or competitive bidding process.

If any County elected officials, appointed officials, officers, directors, employees, or members of a committee accept a gift that is suspected to be in violation of this Statement, they must promptly return the gift, dispose of it, or pay the donor its market value, and report the suspected violation to the County Board. The reporting party shall keep a record of this return, disposal, or payment on file and transmit the same to the County Board. Following receipt of such report, the County Board shall determine whether and how to appropriately screen the County elected officials, appointed officials, officers, directors, employees, or members of a committee, from any implicated competitive bidding process.

AND BE IT FURTHER RESOLVED, that the foregoing policy shall be effective upon the date of execution of this Resolution, and that this Resolution is intended to supplement, but not replace any conflict of interest policies on the same subject matter. In the event a term or provision included in this Resolution conflicts with a term or provision included in any other Lancaster County conflict of interest policies on the same subject matter, the term or provision included in this Resolution shall prevail.

DATED this ____ day of November, 2023, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of _____, 20 ____.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

EXHIBIT 2

From: [Matt V. Hansen](#)
To: [Meggan F. Reppert-Funke](#)
Subject: Fwd: Lancaster County Board presentation 11/14/2023
Date: Tuesday, November 14, 2023 9:48:21 AM

For the minutes

Matt Hansen

Lancaster County Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
mvhansen@lancaster.ne.gov

From: Kenneth Anderson <kenlovesjesus@gmail.com>
Sent: Tuesday, November 14, 2023 9:40:05 AM
To: Commish <Commish@lancaster.ne.gov>; Matt V. Hansen <MVHansen@lancaster.ne.gov>
Subject: Lancaster County Board presentation 11/14/2023

Rep. Milou Mackenzie (R-Lehigh/Montgomery/Northampton) issued the following statement in response to voting machine irregularities in Northampton County on Election Day, Nov. 7, 2023.

Mackenzie's statement reads:

“The Election Day voting machine fiasco that occurred in Northampton County is weighing heavily on the hearts and minds of the voters and candidates throughout the county, the state, and the nation. People everywhere already have serious concerns about the integrity of our elections, and having machines and software that are registering votes incorrectly and shutting down for periods of time on Election Day is completely unacceptable.

Northampton County Executive Lamont McClure already has acknowledged that the machines were having problems as far back as 2019, yet he and his staff, along with other citizens tasked with checking the machines before Tuesday, were asleep at the wheel and seemingly did not bother to check the system or give it a proper test run prior to the election.

Mr. McClure and the machine manufacturer's representatives have chalked this disaster up to “human error” and “laziness.” I would like to add the adjectives of incompetence, indifference, and irresponsibility to that description. (Knowledgeable folks will also add the adjective "treachery" to that description. -Editor kla) It is time for Mr. McClure and the ES&S voting machines to go.

I am demanding to know the names of everyone who was asked to check the machines in advance of the election. Each and every one of them needs to resign from their positions. The restoration of the voters' and candidates' confidence in our free and fair elections is no small and insignificant matter.

Mr. McClure, his staff, and the group of people who failed to check the machines have brought shame and disgrace to Northampton County. We are being ridiculed and mocked

on national television and in political discussions everywhere. The buck stops with Mr. McClure, and he needs to resign. We need to protect the voters of Northampton County well before the election of 2024.

He needs to resign today.”

Rep. Milou Mackenzie

131st Legislative District

Pennsylvania House of Representatives

Media Contact: Will Jones

WJones@pahousegop.com

RepMilouMackenziePA.com | Facebook.com/RepMilouMackenzie

Source:

<https://www.pahousegop.com/News/33162/Latest-News/Mackenzie-Issues-Statement-on-Voting-Machine-Fiasco-in-Northampton-County>

See also

<https://dallasexpress.com/metroplex/exclusive-dallas-county-polling-books-down-on-election-day/>

If ES&S were an honest company, they would ask permission to operate their products on ballots already hand counted for enough few election cycles to perfect their products. That would be industry standard engineering, research and development. Computers have been able to read handwriting for many years now. Software should be able to OCR the entire ballot. No election system should be allowed that doesn't interface to independent, second or third party OCR devices.

Furthermore, since ES&S has always gotten away with election race manipulations, they WILL KEEP DOING IT. They think the people are stupid. They KNOW they have the peoples' elected officials in their back pocket.

<https://www.politico.com/news/2020/08/13/election-voting-machine-misleading-claims-394891>

[https://rumble.com/v3vcq7q-yet-again-dallas-county-es-and-s-pollbooks-add-hundreds-of-voters-as-polls.html?
mref=6zof&mc=dgip3&utm_source=newsletter&utm_medium=email&utm_campaign=CannCon&ep=2](https://rumble.com/v3vcq7q-yet-again-dallas-county-es-and-s-pollbooks-add-hundreds-of-voters-as-polls.html?mref=6zof&mc=dgip3&utm_source=newsletter&utm_medium=email&utm_campaign=CannCon&ep=2)

Dear election officials,

Per state supreme court rulings, etc., an enforceable "implied-in-fact contract" arises between parties who signify agreement through an action – as in a voter surrendering a completed ballot according to instructions of election officials. Implied warranties and implied duties always accompany implied-in-fact contracts. This notice to you, by me the undersigned voter, reminds you of said contract and the accompanying implied warranties and duties that are binding by law upon you. By no means is this notice intended to educate you about centuries'-strong precedent, so if said subject is unfamiliar to you, you may be obliged to consult your legal counsel lest you risk being derelict in your due diligence. This notice reminds you that, among a number of other responsibilities said contract binds you to, you are legally bound to implied warranty and implied duty.

Among your implied duties is that you

- prioritize accuracy and honesty above speed in ballot selection counting;**
- prevent dilution of legitimate votes by allowing illegitimate ones in excess of the expected numbers of votes allowed;**
- consider the most verifiable cast ballot by me to be the one and only authoritative ballot cast by me. I will not tolerate that my in-person ballot surrendered to you when I've presented irrefutable proof of my identity is destined for the category of "provisional" because some unknown person or electronic system previously submitted a ballot in my name. Ballots surrendered to you in my name but without ID must be deemed to be more provisional than my just-in-time ballots when I show valid ID.**
- reveal relevant information to me, including the fact, if true, that my ballot selections are converted into unsuperviseable electronic signals prior to them being counted, and that those unsuperviseable electronic signals are the most authoritative basis by which race results get reported. If any relevant facts are not acceptable to me, then I will be entering said contract under duress. As you can easily understand, the unsuperviseable possession of my ballot selections in format mutable prior to counting or exploitable, by an entity whom I've not vetted for honesty would certainly be unacceptable to me.**

Ken Anderson, Douglas County