

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
VIEWING AVAILABLE VIA YOUTUBE AT <https://www.youtube.com/lnktvcity>
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, DECEMBER 8, 2020
9:00 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board, the Lancaster County, Nebraska, web site, emailed to the media and published in the Lincoln Journal Star print edition and website on December 4, 2020.

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

Others present: David Derbin, Chief Administrative Officer; Senator Adam Morfeld; Senator Myron Dorn; Senator Patty Pansing Brooks; Senator Tom Brandt; Senator Matt Hansen; Senator Elect Eliot Bostar; Courtney Lyons, Senator Hansen's Staffer, Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates, LLC (Lancaster County Lobbyists); Dennis Meyer, Budget and Fiscal Director; Kim Etherton, Community Corrections Director; Brad Johnson, Correction Director; and Monét McCullen, County Clerk's Office

The meeting was called to order at 2:07 p.m.

AGENDA ITEMS:

1) 2:00 P.M. Introductions and Welcome – Commissioner Flowerday

Flowerday said due to the pandemic the concerns and priorities will be different than previous years. The main focus of today's meeting is to evaluate the recent wants and needs and what the priorities will be for the upcoming year.

**2) 2:10 P.M. Update on County Finance – Dennis Meyer, Budget and Fiscal Director
(Transparency Portal - <https://www.lancaster.ne.gov/1097/Financial-Transparency-Portal>)**

Dennis Meyer, Budget and Fiscal Director, referenced the link above and discussed the adopted Lancaster County Budget for fiscal year 2021. Meyer highlighted the County's main expenditures and revenues. (Exhibit 1).

Senator Dorn asked what is the revenue source that creates the difference between the \$123,000,000 General Fund and \$200,000,000 total budget. Meyer said it would include highway allocation funds, visitor improvement and visitor promotion funds, lodging taxes and federal and state grants.

Flowerday discussed the importance of the inheritance tax. Senator Brandt said he has met with five counties who have expressed the same importance.

Senator Dorn said many counties use inheritance tax as part of the budget and allocate it to different funds. Without inheritance taxes property taxes would increase. He noted he would oppose eliminating inheritance taxes.

Joe Kohout added when inheritance taxes were restructured it was using snapshots of the data that was available. If inheritance taxes are reviewed, he recommended taking time to research and provide a balance.

Meyer said inheritance taxes fluctuate frequently as he works through the budget process.

Kohout said Senator Morfeld inquired about any projections on Medicaid expansions or any foreseen savings. Meyer said in this budget he tried to incorporate Medicaid and he anticipates seeing changes, but it is not happening as quickly as he projected. Flowerday added due to the pandemic, the General Assistance Office has remained open longer than expected. There have been some savings and there should be more once the pandemic is under control.

3) 2:20 P.M. County Legislative Priorities:

A. Statewide 24/7 Sobriety Program – Commissioner Yoakum and Kim Etherton, Community Corrections Director

Yoakum read a prepared statement (Exhibit 2).

Kim Etherton, Community Corrections Director, said individuals who are in the 24/7 Sobriety Program are being tested every 12 hours for alcohol levels. She discussed the process if an individual tests positive for alcohol. The goal of this legislation would be to allow participants to have a driving permit so they can get to appointments and manage daily life activities. She noted this program has provided a 98% success rate.

In response to Senator Dorn's question, Etherton discussed how other counties handle their DUI programs.

B. Sharing of Mental Health Information – Commissioner Schorr and Kim Etherton, Community Corrections Director

Schorr said Senator Geist created a working group to share mental health information with providers, law enforcement, elected officials, attorneys and public defenders.

Etherton said the goal is to adjust some language in State Statute §71-961 that would allow criminal justice entities to share information. It is important for law enforcement to have information available as soon as they encounter an individual within the community, especially those with mental health needs.

Schorr added they are also working with DHHS (Department of Health and Human Services) and the Crime Commission to further assist with handling information within different agencies and systems while maintaining privacy and confidentiality.

Kohout added the working group also includes Nebraska Association of Behavioral Health Organizations (NABHO) and Region V to ensure privacy boundaries are not being crossed.

C. Cost of Housing Individuals Committed to Lincoln Regional Center – Commissioner Flowerday and Brad Johnson, Corrections Director

Flowerday said this item is more of a want for him instead of a need. Eighteen months ago there was a spike in the number of days that individuals were lodged at the jail waiting to be moved to the Lincoln Regional Center (LRC). The idea behind the bill is to place a cap on the number of days an inmate is held before being transferred and a rate that the State would reimburse counties while they house individuals.

Brad Johnson, Corrections Director, provided a graph and discussed LRC's waiting periods (Exhibit 3).

Senator Hansen asked if the decrease in wait times was due to changes that have been made or if the number of arrest rates have dropped due to the pandemic. Johnson felt the number of individuals with mental health issues getting arrested has increased. It is more difficult to house mental health individuals as the specialty housing units inside the jail are at capacity. Kohout said he expects the number of days to continue to drop with individuals receiving competency restoration in the community.

D. Appropriation Bill to Cover State Office Space Expenses – Commissioner Vest

Vest read a prepared statement (Exhibit 4).

E. Limited Towing Authority for County Engineer – Commissioners Vest and Schorr

Schorr said she had the opportunity to discuss this request from the County Engineer with the Nebraska Association of County Officials (NACO) Legislative Committee. NACO will be in support of this bill but did request that in addition to providing the County Engineer with statutory authority that the language reflect providing the County Highway Superintendent authority as this is an issue across the entire state.

Senator Brandt asked if the snowplow drivers could be deputized and kept under the Sheriff's Office as he is hesitant to provide County Engineers and County Highway Superintendents this power. He would like to explore every possibility of using the Sheriff's Office to accomplish this goal.

Flowerday added normally this is being done under the Sheriff's Office. The concern comes during snow emergencies when Sheriff deputies are busy attending to traffic accidents. Schorr added this would only be in affect during a declared snow emergency. The County Sheriff's Office will be involved in discussions as this issue moves forward. The intent is not to deputize every individual in the Engineer's Office with police powers.

F. Infrastructure Funding – Commissioner Flowerday

Flowerday said the goal of this is to find new avenues for infrastructure funding. One solution is to use Build Finance which is a similar to what was used to build the South Beltway.

Kohout said this legislation would make designing bridges available under the Political Subdivisions Construction Alternatives Act. This will allow counties and cities to build and simultaneously allow for payments to occur beyond the end of the construction date.

Senator Brandt asked if this concept would be levy authority or bonding authority. Kohout said it would not be levy or bond authority. The burden is shifted to the construction company to carry the debt and receive payments over a longer period of time.

Senator Dorn asked if these projects would have a minimum expenditure or cap. Kohout said under the Construction Alternatives Act there is a process that the construction company has to go through in order to be verified as one who can complete the design build process. There will be some restriction on the types of businesses that would be eligible. The drawback is this might eliminate smaller companies from bidding projects as it would be harder for them to carry the debt for an extended period of time.

4) 3:00 P.M. Other Lancaster County Issues:

A. Inheritance Tax – Commissioners Amundson and Schorr and David Derbin, Chief Administrative Officer

Amundson said there is an interim bill being studied to eliminate inheritance tax that she testified in opposition to because it would have an impact on the County's financial situation. She explained that Lancaster County's total budget is \$200,900,000 with property tax covering roughly 42% of that amount. The remainder comes from other revenue sources including inheritance tax. It was noted that Lancaster County uses inheritance tax for property tax relief. This past year \$6,600,000 was collected. If that revenue source is removed it would require a \$0.03 tax increase. Amundson emphasized how extremely vital inheritance tax is to the financial health of Lancaster County and noted if it was eliminated, it could jeopardize County funding for such things as public safety, human services and infrastructure.

Commissioner Schorr said inheritance tax varies from county to county and each county uses it for different purposes. One thing noted in the legislation was the difficulty obtaining inheritance tax data and the difficulty with transparency as that information comes from a number of sources.

Derbin said the County Attorney's Office receives a lot of questions from constituents about how inheritance taxes are paid and standardized forms. He felt it would be helpful if the procedure was streamlined and provided a centralized system that would not require court proceedings. He added inheritance taxes are a crucial revenue stream for the County and there are not many other options if it were to be eliminated.

B. Public Building Commission – Commissioner Amundson

Amundson said the Public Building Commission (PBC) is significant to Lancaster and Douglas Counties. In Lancaster County the PBC Board consists of two county commissioners, two city council members and a member of the public. The City Attorney provides legal counsel and the County Treasurer serves as the financial caretaker. There are many savings through increased efficiencies, planning and maintenance. The PBC is also in charge of construction and renovation of 18 joint facilities, which combined have an assessed value of \$99,909,900. Amundson felt with that much financial requirement comes the need for consistent management and the ability to be able to bond for construction or maintenance projects without going through public approval is crucial to that process.

Flowerday said last year a bill was introduced that could have impacted the PBC's ability to bond which, in turn, could also threaten how the County manages its facilities.

5) 3:20 P.M. Senator Comments

Senator Brandt asked the Commissioners what the senators can do to help. Amundson said her concern is with Juvenile Justice but hopes things improve and move forward with Senator Pansing Brooks' involvement.

Senator Pansing Brooks said she is also passionate about Juvenile Justice and has a number of bills to continue to move forward. She noted she was approached by a judge about truancy which is a priority of the Children's Commission. The goal is to place children in diversion to assist with them not ending up in the adult prison system.

Schorr said her interest would be to hear about more comprehensive adult reforms being brought forward. Senator Morfeld said there is a lot of work done that has been vetoed by the Governor. Without his support, it is extremely tough to accomplish anything meaningful.

Senator Brandt said the encouraging thing is that county attorneys are getting on board and hopefully the stakeholders begin to work together to solve a number of these issues.

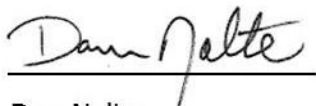
Senator Pansing Brooks said there is discussion on building a new prison and that kind of expense will not help counties. She added the issues presented today are all valid, but all of that has to be weighed in light of the fact that there is a clear decision to move forward with building a new prison that will cost millions of dollars which then won't be available for counties or municipalities. Bills have been brought forward on sentencing reform and programming with hopes to eliminate building a new prison.

Senator Brandt said smaller counties also have issues with inheritance taxes, roads and bridges. He said at the last legislative session the Landbank Act was passed to help counties who are having to take care of derelict properties. MicroTif was also passed as a tool to help fund improvements to houses over 60 years old that are in a blighted area.

The Senators thanked the Commissioners for their help on the issues presented today.

6) 4:00 P.M. Adjournment

The meeting was adjourned at 3:53 p.m.



Dan Nolte
Lancaster County Clerk

