

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LANCASTER, NEBRASKA**

**IN THE MATTER OF AMENDING)
THE CLAIMS FOR REVIEW)
POLICY FOR THE BOARD OF) RESOLUTION NO. R-22-0052
COUNTY COMMISSIONERS OF)
THE COUNTY OF LANCASTER,)
NEBRASKA)**

WHEREAS, Neb. Rev. Stat. § 23-135 provides that all claims against the County of Lancaster, Nebraska, (“County”) shall be filed with the County Clerk (“Clerk”) within ninety days from the time when any materials or labor, which form the basis of the claims, have been furnished or performed;

WHEREAS, all claims against the County must be filed with the Clerk, and presented to the County’s Board of County Commissioners (“Board”), and the Board alone has power and authority, under the statute, to audit and allow such claims. *See State v. Merrell*, 43 Neb. 575, 61 N.W. 754, 755 (1895);

WHEREAS, the Board has the exclusive original jurisdiction in the examination and allowance of claims against the County arising *ex contractu*. *See Sarpy Cnty. v. Gasper (Jasper)*, 149 Neb. 51, 54, 30 N.W.2d 67, 69 (1947);

WHEREAS, Neb. Rev. Stat. § 23-1303 provides that the Clerk shall not issue any county warrants except upon claims approved by the Board;

WHEREAS, on May 10, 2005, the Board adopted a Claims for Review Policy governing the presentment of claims by the Clerk to the Board; and

WHEREAS, the Board desires to revise its Claims for Review Policy;

NOW, THEREFORE, BE IT RESOLVED, by the Board, as follows:

1. The Board hereby adopts the following Claims for Review Policy:

A. The Clerk shall present to the Board all claims received by the Clerk.

I. The following claims shall be presented to the Board at a Staff Meeting of the Board (“Staff Meeting”):

- a. Claims for which there is no contract;
- b. Claims not in compliance with the County Purchasing Act;
and
- c. Claims not authorized by law or policies duly adopted by the Board pursuant to law.

II. Claims submitted more than ninety days from the time when any materials or labor, which form the basis of the claims, have been furnished or performed first shall be presented to the County’s Chief Administrative Officer, who shall advise the Clerk either to:

- a. Present the claims to the Board at a Staff Meeting. The Clerk shall notify the claimant and/or the County agency submitting the claim that the claim shall be presented to the Board at a Staff Meeting for examination; or
- b. Present the claims to the Board at a Regular Meeting of the Board (“Regular Meeting”), with each such claim listed as a separate agenda item under the Claims heading of the agenda. The Chief Administrative Officer shall notify the claimant and/or the County agency submitting the claim that the claim shall be presented to the Board at a Regular Meeting for final action.

III. Claims that do not fall within the provisions of Section 1.A.I or Section 1.A.II shall be presented to the Board at a Regular Meeting in an aggregated report under the Claims heading of the agenda.

B. For claims that fall within the provisions of Section 1.A.I or Section 1.A.II.a:

I. The Clerk shall notify the claimant and/or the County agency submitting the claim that the claim shall be presented to the Board at a Staff Meeting for examination;

II. The claimant and/or the agency submitting the claim is/are encouraged to provide additional information about the claim, and, if necessary, attend the Staff Meeting during which the claim will be presented;

III. The Board may request that any claim presented to it at a Staff Meeting:

a. Be included with other claims presented to the Board at a subsequent Regular Meeting;

b. Be scheduled for hearing at a subsequent Regular Meeting. The Clerk shall provide the claimant and the agency submitting the claim with reasonable advance written notice of the date, time, and place of the Regular Meeting at which the hearing shall occur; or

c. Be re-presented to the Board at a subsequent Staff Meeting as necessary to complete the Board's examination of the claim.

IV. For purposes of this policy, "claims" shall mean all claims arising *ex contractu*.

2. This Resolution shall supersede the "Claims for Review Policy of the Lancaster County Board of Commissioners" approved May 10, 2005, and any previously existing County resolutions or policies on the same subject matter as this Resolution.

Dated this 5 day of July, 2022, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 5 day of July, 2022



For PATRICK CONDON
Lancaster County Attorney










