

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, January 12, 2010

The Board was convened today at 8:58 a.m. and called to order by Chair Rodgers in the Legislative Chambers of the Omaha-Douglas Civic Center, 1819 Farnam, Omaha, NE. Advance notice of this publicly convened meeting was published in the Daily Record on January 1, 2010, and simultaneously transmitted to all members of the Board of Commissioners. Said notice contained the time and place of the meeting. Commissioners Mary Ann Borgeson, Michael Boyle, Clare Duda, Kyle Hutchings, Marc Kraft, Pam Tusa and Chris Rodgers were present. Opening remarks by Commissioner Rodgers.

Item A. Election of the Chair of the Board of Commissioners for the ensuing year (2010) was held. Motion by Boyle, second by Tusa to nominate Commissioner Borgeson. Commissioner Rodgers declared the nominations closed. Commissioner Borgeson was elected Board Chair by acclamation for 2010.

Item B. Election of the Vice-Chair of the Board of Commissioners for the ensuing year (2010) was held. Commissioner Borgeson nominated Commissioner Boyle, second by Commissioner Kraft. Chair Borgeson declared the nominations closed. Commissioner Boyle was elected Board Vice-Chair for 2010.

The Board of Commissioners moves to the Agenda for the Board of Equalization at 9:01a.m.

The Board reconvened at 9:10 a.m.

Motion by Tusa, second by Duda to approve minutes of the Board of Commissioners meeting held Tuesday, December 8, 2009 and to approve claims submitted for payment processed through Tuesday, January 19, 2010 and Douglas County Clerk/Comptroller presenting a report and requesting action on claims being submitted for payment as exceptions on Tuesday, January 12, 2010. These claims are being presented as exceptions for the following reason (s): Lack of a detailed accounting for each individual county office or department's actual information technology costs from DOT.Comm.

Fund.Agency	Date Received by Clerk/Comptroller	Supplier's Invoice Date	Supplier	Amount
11111.527011	05-Jan-10	22-Dec-09	DOT.Comm	\$330.15
11111.527011	05-Jan-10	30-Nov-09	DOT.Comm	\$330.15
11111.527011	05-Jan-10	30-Nov-09	DOT.Comm.	\$330.15
12512.621011	05-Jan-10	30-Nov-09	DOT.Comm	\$11,236.54
12512.621011	05-Jan-10	30 Nov-09	DOT.Comm	\$11,236.54
12513.632011	05-Jan-10	30-Nov-09	DOT.Comm	\$29,008.10
12513.632011	05-Jan-10	30-Nov-09	DOT.Comm	\$29,008.10
12513.636013	05-Jan-10	30-Nov-09	DOT.Comm	\$22,036.88
12513.636013	05-Jan-10	30-Nov-09	DOT.Comm.	\$22,036.88
12514.Various	31-Dec-09	22-Dec-09	DOT.Comm	\$18,987.07
12514.Various	05-Jan-10	30-Nov-09	DOT.Comm	\$18,987.07
12514.Various	05-Jan-10	30-Nov-09	DOT.Comm.	\$18,987.07

12516.655011	31-Dec-09	22-Dec-09	DOT.Comm.	\$1,415.50
12516.655011	05-Jan-10	30-Nov-09	DOT.Comm.	\$1,415.50
12516.655011	05-Jan-10	30-Nov-09	DOT.Comm.	\$1415.50
12532.670011	05-Jan-10	30-Nov-09	DOT.Comm.	\$1,028.87
12532.670011	05-Jan-10	30-Nov-09	DOT.Comm.	\$1,028.87

Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item V. Motion by Tusa, second by Kraft to approve the consent agenda.

- A. Approval of an Inter-Local Agreement with the Papillion Police Department for CSI services. (Sheriff)
- B. Approval of an Inter-Local Agreement with the Fremont Police Department for CSI services. (Sheriff)
- C. Dr. Adi Pour, PhD., Health Department – requests approval of the following:
 - 1. Resolution to approve the Agreement between Douglas County Health Department and Avantas, LLC re OMMRS.
 - 2. Resolution to approve the Agreement between Douglas County Health Department and Phyllis Dutton re OMMRS.
- D. Mr. John LeMay, Purchasing Agent – Bid Acceptances:
 - 1. Housekeeping Supplies for Douglas County and City of Omaha.
 - 2. Linen for Inventory for Douglas County.
- E. Resolution authorizing the Chair to enter into a Community Service Agreement with the Lutheran Family Services. (General Assistance)
- F. Approval of privileges for Dr. Khalil Burhan to practice at the Community Mental Health Center. (CMHC)
- G. Mr. Tom Doyle, County Engineer – requests approval of the following:
 - 1. Relaxation of standards of the design speed on the vertical curve for Pawnee Road from 50 MPH to 35 MPH.
 - 2. Supplemental Engineering Agreement with HWS Consulting Group, Inc. for Douglas County Project No. C-28(339); Q St, 181st Plaza to 193rd St.
- H. Resolution to approve “Demand for Refunds.” (Property Tax Division – Treasurer)
- ~~I. Approval of State Justice Institute grant for the National Center for State Courts to conduct security audit of Douglas County Hall of Justice and Omaha-Douglas Civic Center. (District Court)~~
- J. Mr. Thomas F. Cavanaugh, Douglas County Clerk/Comptroller – presenting the following contract claim filed pursuant to Neb. Rev. Stat. §23.135 (*refer to County Attorney for review and recommendation*):
 - 1. Claim from Bryan LGH Medical Center for Reimbursement for Medical Treatment provided to EPC Patient #801206454.

- K. Mr. Thomas F. Cavanaugh, County Clerk, presenting claims of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act (*refer to County's Risk Manager for review and recommendation*):
 1. Gail Edwards for Michael Edwards for alleged negligence by Douglas County, CMHC, and Dr. Mary Jo Hanigan, M.D.
 2. Claims Management Resources for Qwest for alleged negligence by Douglas County.
 3. Mr. Shane McKinley for alleged negligence by Douglas County.

- L. Set public hearing for road abandonment, 189th & California. (County Attorney)

- M. Set Public Hearing for **Tuesday, January 26, 2010 at 9:00 a.m.** for:
 1. Class #C-87924 License (Beer, Wine & Distilled Spirits, On & Off Sale) for Tropics Bar and Grill INC dba Tropics Bar and Grill, 3510 N. 167th Circle, #101, Omaha, NE 68116 – Douglas County and Corporate Manager Application for Michael D. Jordan, 4930 So. 121st Street, Omaha, NE 68137.

- N. Approval of Monthly Fee Report (November, 2009). (County Clerk/Comptroller)

- O. Approve Special Designated Liquor License for Literacy Center for the Midlands, 3615 Dodge Street, Douglas County, NE 68131, for Fund Raiser to be held Sunday, January 24, 2010, at ElkRidge Village on the Lake, 19303 Seward Plaza, Douglas County, NE, from 6:30 p.m. to 8:30 p.m.

Speaking to the removal of item **II.I.** were Commissioners Borgeson and Duda.

Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion to approve the consent agenda passed.

Item V.A. (Presentation on ***Martin Luther King Day*** celebration for County and City employees on ***Friday, January 15, 2010, Noon to 1:00 p.m.*** in the ***Legislative Chambers***). Speaking to the item were Director for Human Resources Lee Lazure, and Commissioner Borgeson.

Item V.B. (Presentation by Douglas County Health Center Foundation about potential renovation of West Wing of Douglas County Health Center to eliminate 3 & 4 bed wards and to provide handicapped accessible bathrooms and showers. Renovation cost to be covered by funds from various Douglas County Health Center Foundation fundraising efforts, to include appeals, solicitations, grants, etc). Speaking to the item were President of the Douglas County Health Center Foundation Amy Chittenden, Nancy Novac of Leo A. Daly, DCHC Director of Nursing Mary Powell, and Commissioner Tusa, Kraft, Duda, Hutchings, and Borgeson.

Item VI.A. (Class D-88620 License (Beer, Wine & Distilled Spirits, Off Sale Only) for Walgreens Co dba Walgreens #11204, 20201 Manderson St., Elkhorn, NE 68022 – Douglas County and Corporate Manager Application for James P. Karins, 4601 Browning Ct., Lincoln, NE 68516), **Item VI.B.** (Class #D-88622 License (Beer, Wine & Distilled Spirits, Off Sale Only) for Walgreens Co dba Walgreens #02472, 18040 R

Plaza, Omaha, NE 68134 – Douglas County and Corporate Manager Application for James P. Karins, 4601 Browning Ct., Lincoln, NE 68516), and **Item VI.C.** (Class #D-88623 License (Beer, Wine & Distilled Spirits, Off Sale Only) for Walgreens Co dba Walgreens #11203, 17909 Burke St, Omaha, NE 68118 – Douglas County and Corporate Manager Application for James P. Karins, 4601 Browning Ct., Lincoln, NE 68516). The Public Hearing was opened at 9:50 a.m. Speaking to the item were Commissioner Borgeson, Jim Karins, Commissioners Boyle and Rodgers, Cassie Greisen of Project Extra Mile, and Commissioner Kraft. The Public Hearing was closed at 10:09 a.m. Motion to approve Items VI.A, B, and C by Tusa, second by Boyle. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item VII. A. 1. (Budget report), accepted as presented with no discussion.

Item VII. G. 1. (Weekly Personnel Report from Civil Service), offered as submitted with no discussion.

Item VII. G. 2. Legislative issues:

Item VII. G. 2. a. (Legislation permitting an exemption for correctional facilities from Nebraska Jail Standards Board review if those facilities have been accredited by American Correctional Association). Speaking to the item were Commissioner Borgeson, Director of Corrections Jeffrey Newton, Commissioners Boyle and Tusa. Motion by Borgeson, second by Tusa to approve. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion passed.

Item VII. G. 2. b. (Juvenile Justice legislative initiatives). Speaking to the item were Commissioners Rodgers, Boyle and Duda. No action was taken on this item.

Speaking to amendments to LB 475 were Commissioners Boyle and Hutchings, Assistant County Manager Rick Kubat, and Commissioners Duda, Borgeson and Kraft. Motion by Borgeson, second by Duda to move forward with the amendment to LB 475 and sending a letter with the signing of Mr. Cavanaugh and myself to the legislature. Yeas: Boyle, Duda, Kraft, Rodgers, Tusa, Borgeson. Nays: Hutchings. Motion passed. Commissioner Borgeson asked Rick Kubat to write that letter.

Commissioner Boyle speaks regarding the CIR. Also speaking were Commissioners Duda, Hutchings, Borgeson and Tusa, and Deputy County Attorney Diane Carlson.

Commissioner Boyle speaks regarding BOE and TERC. Also speaking was Commissioner Borgeson.

Speaking to the NACO conference were Assistant County Manager Rick Kubat and Commissioner Boyle.

Commissioner Borgeson reads the notices from the agenda. Douglas County offices will be closed, Monday, January 18, 2010, in observance of Martin Luther King, Jr. Day. The Douglas County Board of Commissioners will NOT meet on Tuesday, January 19, 2010. The next scheduled meeting of the Douglas County Board of Commissioners will be Tuesday, January 26, 2010.

Commissioner Boyle asks for a Point of Personal Privilege to thank Commissioner Rodgers for his service as Chair. Also speaking was Commissioner Duda.

Motion to recess to Executive Session for litigation, personnel matters and union negotiations at 10:52 a.m. by Boyle, second by Tusa. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion passed.

Motion to reconvene and adjourn by Duda, second by Rodgers at 12:02 p.m. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion passed.