

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, January 27, 2009

The Board was convened today at 9:12 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 16, 2009, 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.

Motion by Boyle, second by Tusa to approve minutes of the Board of Commissioners meeting held Tuesday, January 13, 2009 and to approve claims submitted for payment processed through Tuesday, January 27, 2009.

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

Item II. Recognition/Proclamations: A. Resolution thanking **Commissioner Clare Duda** for serving as County Board Chair 2008. Speaking to the item were Commissioners Duda, Boyle and Borgeson. Motion to approve by Boyle, second by Tusa. Yeas: Borgeson, Boyle, Hutchings, Kraft, Tusa, Rodgers. Abstain: Duda. Motion passed.

Item III. Citizens Comments. Christi Gillott of Douglas County Department of Corrections speaks about Employees United Labor Association. Also speaking to the item were Commissioners Duda and Rodgers.

Item IV. A. (Presentation of the Technology Planning document for Douglas County by Dr. Costis Toregas), Speaking to the item were Dr. Costis Toregas, Commissioners Kraft, Boyle, Tusa, Hutchings, Duda, Borgeson and Rodgers and DOT.Comm Chief Information Officer Duffy Boyle.

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

- A. Approve settlement of \$2,028.77 to BryanLGH for patient number 800872681. (County Attorney)
- B. Resolution approving salary for new Deputy County Attorneys. (County Attorney)
- C. Resolution approving salary for Deputy County Attorneys. (County Attorney)
- D. Dr. Adi Pour, Ph.D., Health Director – requests approval of the following:
 - 1. Resolution to approve agreement with Avantas to provide OMMRS with Administrative Support.

2. Resolution to approve agreement with Bureau of Sociological Research to develop a survey, compile data, and analyze grocery stores.
 3. Resolution to approve addendum to agreement with The Center, LLC to add storage space for WIC Clinic.
 4. Resolution to approve agreement with the City of Omaha Re: Blood Lead Testing of children with no health insurance or cannot afford to pay for the testing.
 5. Resolution to approve agreement with Department of Health & Human Services using an Electronic medical record system for Influenza Surveillance.
 6. Resolution to approve agreement with Department of Health & Human Services Re: HIV Testing.
 7. Resolution to approve agreement with Department of Health & Human Services. Re: Immunization Action Plan to fund childhood immunization clinics etc.
 8. Resolution to approve agreement with Department of Health & Human Services for West Nile Virus surveillance.
 9. Resolution to approve agreement with Phyllis Dutton to coordinate ongoing activities and planning for OMMRS.
 10. Resolution to approve agreement with Cheryl Hove to retrieve data from medical records for the Fetal Infant Mortality Review.
 11. Resolution to approve agreement with Kaplan University for students to obtain practicum experience.
- E.** Mr. Tom Doyle, County Engineer – requests approval of the following:
1. Traffic Control Devices in Sanitary Improvement District 427 Copper Ridge.
 2. Traffic Control Devices in Sanitary Improvement District 499 – Deer Creek Highlands.
 3. Nebraska Department of Roads Program Resolution for Douglas County Project No. C-28(110), Dutch Hall Road e/o 288th St bridge replacement – structure no. 2810205.
 4. Nebraska Department of Roads Program Resolution for Douglas County Project No. C-28(389), Dutch Hall Road w/o 264th St bridge replacement – structure no 2801525.
- F.** Approval of privileges renewal for Dan Brune, APRN to provide psychiatric services to Community Mental Health Center patients. (CMHC)
- G.** Mr. John LeMay, Purchasing Agent: - Bid Acceptance:
1. Approval of Goss-Mann Construction Company to provide 5th Floor Door Replacement for the Douglas County Health Center.
- H.** Resolution to approve “Demand for Refunds.” (Property Tax Division-Treasurer)
- I.** Substitution of pledged collateral with Mid City Bank to secure their deposits with the Douglas County Treasurer. (Treasurer/Accounting)

- J. Resolution approving contract between Douglas County and Project Harmony, Inc. for direct victim advocate services to child victims of crimes. (County Attorney)
- K. Mr. Thomas F. Cavanaugh, County Clerk, presenting claim of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act (**refer to County's Risk Manager for review and recommendation**):
 - 1. Jessica Chard for Randy Chard for alleged negligence by Douglas County Correctional Center and Guard Matthew Richman.
- L. Approval of Monthly Fee Report (December, 2008). (Clerk/Comptroller)

Speaking to item V.D.2. were Commissioner Hutchings, Health Director Dr. Adi Pour, and Commissioners Duda, Kraft and Borgeson.

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

Item VI.A. Public Hearing. (**APPLICATION G-9-09** Request: Review buffer dimension around landfill. Applicant: Douglas County Environmental Services. Planning Commission considered this application on November 12, 2008, and on a 6-0 vote recommended the landfill buffer remain at one half mile). The public hearing was opened at 10:31 a.m. Speaking to the item were Planning and Zoning Coordinator Barb Frolich and Commissioner Boyle. The public hearing was closed at 10:33 a.m. Motion to adopt by Kraft, second by Tusa. Further discussion to the item by Commissioners Duda, Boyle and Kraft and Planning and Zoning Coordinator Barb Frolich. Yeas: Borgeson, Hutchings, Maxwell, Rodgers, Tusa, Duda. Abstain: Boyle. Motion Passed.

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

Item VII. A. 2. (Resolution approving the appointment of ~~Jeff~~ Jack Armitage and Ron Bucher to the Douglas County Audit Committee). Speaking to the item were Commissioners Boyle, Duda and Borgeson. Motion to approve by Borgeson, second by Boyle. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Nays: Hutchings. Motion Passed.

Item VII. D. 1. (Resolution committing matching funds for the MAPA Economic Development District Business Assistance Revolving Loan Fund). Speaking to the item were Commissioner Duda, Paul Mullen and Jake Hansen of MAPA, and Commissioner Boyle. Motion to approve by Tusa, second by Duda. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. F. 1. (Approval of a contract with Pulmonary Medicine Associates of Nebraska P.C. to provide Pulmonary physician medical direction and oversight of Respiratory Care Department of Douglas County Health Center. This department provides Respiratory Care Services to Douglas County Health Center residents and Community Mental Health Center patients eight hours per day, seven days per week). Speaking to the item was Commissioner Kraft. Motion by Kraft, second by Duda to approve. Also speaking to the item was Commissioner Duda. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 1. (Weekly Personnel Report from Civil Service). Accepted as presented. Speaking to the item was Commissioner Boyle.

Item VII. G. 2. Adoption of Rules of Order for 2009:

a. Place Consent Agenda after Claims and Minutes, and add a disclaimer on the agenda that items may be moved. Speaking to the item were Commissioners Boyle and Kraft. Motion by Kraft, second by Boyle to approve. Further discussion to the item by Commissioners Borgeson, Rodgers, Tusa, Kraft and Hutchings. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Nays: Hutchings. Motion passed.

Taken next were items VII. G. 2.b. Rule II – Rules of Order: Add:
C. The meetings of the Douglas County Board of Commissioners are governed in accordance with the recognized principles of parliamentary law subject to Nebraska Statutes and any rules adopted by the Board of Commissioners and VII. G. 2.c. Rule XII – Appearances before the Board: Add: C. Citizen's remarks during the any "Citizen Comments" periods, debate of board actions and during any Public Hearing may not exceed three (3) minutes. Citizen's remarks may be extended with consent of the Board of Commissioners. Speaking to the items were Commissioners Rodgers, Duda and Kraft. Motion by Tusa, second by Duda to approve items b and c and amend item c to add the Chair of the Board of Commissioners instead of the Board of Commissioners. Further discussion to the item by Commissioners Kraft and Rodgers. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 3. Discussion/action on proposed 2009 legislation.

Speaking to LB652 were Commissioner Boyle and Chief of 911 Communications Mark Conrey. Motion by Duda, second by Tusa to go on record in opposition to LB 652. Further discussion to the motion by Commissioners Boyle and Duda. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Speaking to LB119 was Administrative Specialist Rick Kubat. Motion to oppose LB 119 by Borgeson, second by Tusa. Yeas: Borgeson, Boyle, Duda, Tusa, Rodgers. Nays: Hutchings. Abstain: Kraft. Motion Passed.

Speaking to LB218 were Administrative Specialist Rick Kubat, Commissioners Borgeson and Boyle and Fiscal Administrator Steve Walker. Commissioner Boyle asks Chair Rodgers to direct Mike Kelley to take action to protect Douglas County's interest on this bill.

Speaking to the LB increasing the rate prisoners are credited towards outstanding fines. Speaking to the item were Administrative Specialist Rick Kubat, Commissioners Tusa and Boyle and Deputy County Attorney Diane Carlson.

Speaking to LB 160 was Commissioner Boyle.

Further discussion to the LB increasing the rate prisoners are credited towards outstanding fines by Administrative Specialist Rick Kubat and Commissioner Boyle. Motion by Tusa, second by Kraft to support the city in wanting to raise the rate. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Abstain: Hutchings. Further discussion to the item by Commissioners Kraft, Boyle, Duda, Tusa and Rodgers. Motion Passed.

Commissioners Boyle and Duda recognize Administrative Specialist Rick Kubat for terrific work.

Commissioner Borgeson recognizes Commissioners Boyle and Duda for good work at the NRD hearing.

Motion to adjourn by Tusa, second by Borgeson at 11:18 a.m.
Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.