

# **BOARD OF COUNTY COMMISSIONERS**

## **DOUGLAS COUNTY, NEBRASKA**

**TUESDAY, December 1, 2009**

The Board was convened today at 9:00 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 November 20, 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 Tusa, second by Boyle to approve minutes of the Board of Commissioners meeting held Tuesday, November 17, 2009, and to approve claims submitted for payment processed through Tuesday, December 1, 2009. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

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

- A.** Resolution approving salary of Deputy County Attorney Tressa Alioth. (County Attorney)
- B.** Resolution approving salary of Deputy County Attorney Shelly Stratman. (County Attorney)
- C.** Approval of Inter-local Agreement with the Bellevue Police Department for CSI services. (Sheriff)
- D.** Approval of Inter-local Agreement with the La Vista Police Department for CSI services. (Sheriff)
- E.** Dr. Adi Pour, PhD., Health Department – requests approval of the following:
  - 1.** Resolution to approve the Agreement between Douglas County Health Department and University of Nebraska Medical Center.
  - 2.** Resolution to approve the Agreement between Douglas County Health Department and Teresa Eirenberg d/b/a AJB, Inc.
- F.** Resolution reappointing Alvin Gloor and Maria Petersen to the Cooperative Extension. (Extension)
- G.** Pledged collateral with Mid City Bank. (Treasurer/Accounting)
- H.** Pledged collateral with Mutual of Omaha Bank. (Treasurer/Accounting)
- I.** Resolution authorizing County Engineer to waive any portion of the plat requirements where the survey involves minor changes in lot boundaries and does not create additional building sites. (Environmental Services)

- J. Resolution authorizing the County Board to approve, ratify, and adopt the Department of General Assistance Guidelines, as amended, effective January 1, 2010. (General Assistance)
- K. Adopt amended Douglas County Deferred Compensation Plan. (County Attorney)
- L. Environmental Covenants for State Street landfill. (Environmental Services)
- M. Mr. Tom Doyle, County Engineer – requests approval of the following:
  - 1. Traffic Control Device in Sanitary Improvement District 385 – Wood Creek.
- N. 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 #801187431.
- O. 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. CMAC, Inc. for alleged negligence by Douglas County.
- P. Approval of Monthly Fee Report. (County Clerk/Comptroller)
- Q. Resolution to approve "Demand for Refunds." (Property Tax Division – Treasurer)

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

Item VI. A. (Additional budget request for 2009/2010 General Fund – Capital Improvement (\$2,500,000)). The Public Hearing was opened at 9:02 a.m. Speaking to the item was Commissioner Boyle. The Public Hearing was closed at 9:02 a.m. Motion to approve by Tusa, second by Duda. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

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

Item VII. B. 1. (Approval of Purchase Agreement for property located at 1111 So. 41<sup>st</sup> Street, Omaha, Nebraska, in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00)). Motion to approve by Tusa, second by Duda. Speaking to the item was Commissioner Hutchings. Item 5 of the contract needs the date changed from June 30<sup>th</sup> 2009 to June 30<sup>th</sup> 2010. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. C. 1. (Resolution authorizing contract for Juvenile Justice Coordinator, Elizabeth Neeley). Speaking to the item were Commissioners Rodgers and Hutchings, Assistant County Manager Rick Kubat, Elizabeth Neeley, Commissioners Borgeson and Kraft, Deputy County Attorney Diane Carlson, and Commissioners Duda and Boyle.

Motion to approve by Borgeson, second by Duda. Friendly amendment offered by Commissioner Boyle and accepted to amend Section B in the contract and the last paragraph of the resolution to a rate of \$1,184 per month, not to exceed a total amount of \$14,208. Further discussion to the item by Commissioner Hutchings, Elizabeth Neeley, Commissioners Rodgers, Borgeson and Tusa. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed. Speaking further to the item was Commissioner Kraft.

Item VII. G. 1. (Weekly Personnel Report from Civil Service). Accepted as presented with no discussion.

Item VII. G. 2. (Resolution approving pay increases for Douglas County elected officials). Motion to approve by Duda, second by Tusa. Speaking to the item was Commissioner Duda. Amendment of 3%, 3%, 2%, and 2% for the County Attorney and for the Sheriff, 2%, 2%, 3% and 4% by Commissioner Duda, second by Commissioner Boyle. Further discussion to the item by Commissioner Hutchings. Commissioner Hutchings offers amendment of 0%, 1%, 2%, and 2%, second by Commissioner Kraft. Speaking to the item were Commissioners Kraft, Duda, Boyle, Borgeson, Tusa and Hutchings. Vote taken on amendment of 0%, 1%, 2%, and 2%. Yeas: Hutchings, Kraft. Nays: Borgeson, Boyle, Duda, Tusa, Rodgers. Motion Failed. Vote taken on amendment of 3%, 3%, 2%, and 2% for the County Attorney and for the Sheriff, 2%, 2%, 3% and 4%. Yeas: Borgeson, Boyle, Duda, Tusa, Rodgers. Nays: Hutchings, Kraft. Motion Passed. Vote taken on original item as amended. Yeas: Borgeson, Boyle, Duda, Tusa, Rodgers. Nays: Hutchings, Kraft. Motion Passed. Speaking further to the item was Commissioner Kraft.

Item VII. G. 3. (Resolution approving union contract with Teamsters Local 554). Motion to approve by Boyle, second by Tusa. There was no discussion on this item. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 4. a. (Resolution increasing the rate of credit Douglas County inmates receive for sitting out fines). Speaking to the item were Commissioner Boyle, Assistant County Manager Rick Kubat and Commissioner Duda. Motion to approve by Boyle, second by Duda. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 4. b. (Resolution requesting the inmate good time schedule at the county level be reflective of the states good time schedule). Speaking to the item were Commissioner Boyle, Assistant County Manager Rick Kubat, Commissioners Borgeson and Hutchings, Director of Corrections Jeffrey Newton, Commissioners Kraft, Duda, Tusa and Rodgers. Motion to approve by Boyle, second by Tusa. Further Discussion to the item by Commissioners Boyle and Hutchings, Director of Corrections Jeffrey Newton and Commissioner Borgeson. Commissioner Boyle withdrew the motion and Commissioner Tusa withdrew the second. Item will be brought back next week.

Item VII. G. 4. c. (Resolution mandating payment of medical expenses for inmates at Medicaid rate). Speaking to the item were Commissioner Boyle, Assistant County Manager Rick Kubat, Commissioners Borgeson and Duda, and Director of Corrections Jeffrey Newton. Motion to approve by Kraft, second by Tusa. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Commissioner Boyle speaks to County Auditor position.

Commissioner Rodgers read notices from the Agenda.

Recess to executive session in order to protect the public interest with respect to discussion regarding labor negotiations and litigations. Motion by Tusa, second by Boyle to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Motion to reconvene and adjourn by Boyle, second by Duda at 12:24 p.m. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.