

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, December 8, 2009

The Board was convened today at 9:18 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 27, 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 Duda to approve minutes of the Board of Commissioners meeting held Tuesday, December 1, 2009, and to approve claims submitted for payment processed through Tuesday, December 8, 2009 and Douglas County Clerk/Comptroller presenting a report and requesting action on claims being submitted for payment as exceptions on Tuesday, December 8, 2009. 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
12513.632011	2-Dec-09	1-Sep-09	DOT.Comm	\$29,008.10
12513.632011	2-Dec-09	24-Sep-09	DOT.Comm	\$29,009.10
11111.527011	2-Dec-09	30-Nov-09	DOT.Comm	\$1,315,032.20

and Approval of resolution authorizing Clerk/Comptroller to make certain payments while the Board is adjourned. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item II. Motion by Tusa, second by Duda to approve the consent agenda less item D:

- A. Resolution for surplus property. (Purchasing)
- B. Mr. John LeMay, Purchasing Agent – Bid Acceptances:
 - 1. Approval of OSDI Midwest, Inc. to provide Electromechanical Filing, Storage & Retrieval System.
 - 2. Approval of A. A. Horwath and Sons to provide Laundry Folder.
- C. Resolution appointing Commissioner Mary Ann Borgeson to the Sheriff's Merit Commission. (Chris Rodgers, Chair)
- D. Inter-local agreement between the Douglas County Treasurer's Office and Washington County for the disbursement of tax money collected by Washington County to the Learning Community. (Treasurer)
- E. Resolution to provide access Agreements with Cox Communication Inc. at 3737 Lake St. (Public Properties)

- F.** Resolution to approve amendment to Agreement with US Army Corps of Engineers to allow continued presence of outdoor warning siren on USACE property at Lake Zorinsky through May 7, 2014. (Emergency Management)
- G.** Dr. Adi Pour, PhD., Health Department – requests approval of the following:
 - 1.** Resolution to approve the Agreement between Douglas County Health Department and Department of Health & Human Services re SAS Programming and HIV Surveillance Data.
- H.** Approval of Interlocal Agreement between Cass, Dodge, Douglas, and Sarpy counties for Region 6 Behavioral Healthcare. (County Attorney)
- I.** Approval of Interlocal Agreement between Douglas County, Nebraska and Saunders County, Nebraska to jointly conduct a survey of property located on the county lines of the two jurisdictions. (County Attorney)
- J.** Resolution to approve “Demand for Refunds.” (Property Tax Division – Treasurer)
- K.** Resolution appointing Scott Olander to the Fair Board. (Fair Board)
- L.** 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.** Dukhan Mumin & Crystal Ali for alleged negligence by Douglas County.
 - 2.** Mr. Chris Winston for alleged negligence by Douglas County Corrections.
 - 3.** Mr. Greg Nelly for alleged negligence by Douglas County.
- M.** Resolution to accept the Memorandum of Understanding between Millard Public Schools and Douglas County. (Sheriff)
- N.** Approval of agreement between Douglas County and Life Skills of Nebraska. (Michael Myers, Corrections)
- O.** Approval of contract with Family Connections, Inc. group therapy and educational activities and individual services. (Michael Myers, Corrections)
- P.** Mr. Tom Doyle, County Engineer – requests approval of the following:
 - 1.** Traffic Control Devices in the Elk Valley Subdivision, No. 458, in various locations.

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

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

Item VII. A. 2. (Resolution reappointing Paul Tomoser to the Douglas County Audit Committee). Speaking to the item was Commissioner Rodgers. Motion to approve by Duda, second by Tusa. Speaking to the item were Commissioner Hutchings, Chief Administrative Officer Kathleen Kelley, and Commissioner Duda. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Nays: Hutchings. Motion Passed.

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

Item VII. G. 2. (Resolution approving an agreement for government relations consulting). Speaking to the item was Commissioner Boyle. Motion to approve by Boyle, second by Borgeson. Further discussion to the item by Commissioner Borgeson, Chief Administrative Officer Kathleen Kelley, Commissioners Boyle, Rodgers, Hutchings, Duda, Tusa and Kraft, and Fiscal Administrator Steve Walker. Yeas: Borgeson, Boyle, Kraft, Tusa, Rodgers. Nays: Duda, Hutchings. Motion Passed.

Item VII. G. 3. (Resolution regarding changes to the County's medical insurance plan). Speaking to the item were Assistant Administrator Patrick Bloomingdale, Commissioner Kraft, Fiscal Administrator Steve Walker, Commissioners Hutchings, Tusa and Duda, Deputy County Attorney Diane Carlson and Commissioner Borgeson. Motion to approve by Boyle, second by Duda. Yeas: Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Nays: Borgeson. Motion Passed.

Item VII. G. 4. (Resolution approving pay increases for non-union County employees). Speaking to the item were Civil Service Commission/Human Resources Assistant Tim McNally, Commissioners Boyle and Hutchings, Chief Administrative Officer Kathleen Kelley and Commissioner Tusa. Motion to approve by Tusa, second by Boyle. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Nays: Hutchings. Motion Passed.

Item VII. G. 5. (Resolution approving pay increases for Chief Deputies, District Court Bailiffs and Sheriff's Captains). There was no discussion on this item. Motion to approve by Boyle, second by Tusa. Yeas: Borgeson, Boyle, Duda, Tusa, Rodgers. Nays: Hutchings, Kraft. Motion Passed.

Item VII. G. 6. (Resolution approving Memorandum of Understanding with IBEW Local 1483). Speaking to the item was Assistant Administrator Patrick Bloomingdale. Motion to approve by Boyle, second by Borgeson. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 7. Legislative issues:

Item VII. G. 7. a. (Resolution requesting the inmate good schedule at the county level be reflective of the states good time schedule). Speaking to the item was Commissioner Boyle. Motion to approve by Boyle, second by Duda. Further discussion by Commissioner Hutchings. Amendment by Hutchings, second by Boyle to ask the Legislature to look at matching the State goodtime one for one for sentences up to 90 days and leaving it the way it is for sentences 91 days and above. Speaking to the item were Commissioners Duda, Hutchings and Boyle, Director of Corrections Jeffrey Newton, and Commissioners Tusa, Borgeson and Kraft. Yeas: Boyle, Hutchings, Kraft, Rodgers. Nays: Borgeson, Duda, Tusa. Motion Passed. Vote on resolution as amended. Yeas: Boyle, Hutchings, Kraft, Rodgers. Nays: Borgeson, Duda, Tusa. Motion Passed.

Item VII. G. 7. b. (Auditor Legislation). Speaking to the item was Commissioner Boyle. Motion to approve by Boyle, second by Borgeson. Speaking to the item were Commissioner Borgeson, Assistant County Manager Rick Kubat, Commissioners Tusa and Hutchings. Amendment by Hutchings, second by Boyle to change the effective date

to January 1, 2011. Additional discussion by Commissioners Duda, Hutchings and Deputy County Attorney Diane Carlson. Commissioner Boyle called the question, second by Hutchings. Yeas: Boyle, Hutchings, Kraft. Nays: Borgeson, Duda, Tusa, Rodgers. Motion Failed. Further discussion by Commissioner Duda, Deputy County Attorney Diane Carlson, and Commissioner Hutchings. Taken next was the vote on the amendment. Yeas: Borgeson, Boyle, Hutchings, Rodgers. Nays: Duda, Kraft, Tusa. Motion Passed. Next was the vote on the resolution as amended. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 7. c. (Federal legislation to restore federal/medical benefits to incarcerated individuals prior to conviction). Speaking to the item was Commissioner Rodgers. Motion to approve by Boyle, second by Kraft. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 7. d. (Nominal medical co-pay for inmates requesting medical care). Speaking to the item was Commissioner Borgeson. Motion to approve by Borgeson, second by Hutchings. Further discussion by Commissioners Boyle and Borgeson. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. G. 7. e. (Resolution seeking legislation to limit the Commission of Industrial Relation's (CIR) jurisdiction). Speaking to the item was Assistant Administrator Patrick Bloomingdale. Motion to approve by Borgeson, second by Kraft. Further discussion by Commissioners Borgeson, Hutchings and Duda. Friendly amendment by Duda that the CIR look at ability to pay. Further discussion by Commissioners Kraft and Borgeson, Assistant Administrator Patrick Bloomingdale, Commissioners Boyle and Rodgers. Amendment by Duda, second by Borgeson to have the CIR look at ability to pay. Friendly amendment by Kraft to define ability to pay as under the current tax levy. Yeas: Borgeson, Duda, Hutchings, Kraft, Tusa, Rodgers. Nays: Boyle. Motion Passed. Vote on resolution as amended. Yeas: Borgeson, Duda, Hutchings, Kraft, Tusa, Rodgers. Abstain: Boyle. Motion Passed.

Commissioner Rodgers reads notices from agenda.

Recess to executive session in order to protect the public interest with respect to discussion regarding labor negotiations and litigations at 11:26 a.m. Motion by Tusa, second by Kraft to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Motion to reconvene and adjourn by Tusa, second by Kraft at 11:55 a.m. Yeas: Borgeson, Duda, Hutchings, Kraft, Tusa, Rodgers. Absent: Boyle. Motion Passed.