

Finance Committee Meeting

Douglas County, Nebraska

Tuesday, April 26, 2016

The meeting convened at 1:06 P.M. in Room 903 of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE 68183. A copy of the Open Meetings Act is located on the wall near the entrance of the room. A notice of the meeting was published in the April 19, 2016, issue of *The Daily Record*. County Commissioners present at the meeting were Marc Kraft, Mary Ann Borgeson, P. J. Morgan, Jim Cavanaugh, Mike Boyle, Chris Rodgers, and Clare Duda. Others present at the meeting were Patrick Bloomingdale, Chief Administrative Officer; Karen Cole, Joe Lorenz, Diane Carlson, Catherine Hall and Marcos San Martin, County Administration; Public Defender Tom Riley; Carol Jennings and Scott Sladek, Public Defender's Office; County Attorney Don Kleine; Wayne Hudson, Kevin Conlon and Tom Wheeler, Sheriff's Office; Mark Foxall, John Hubbard, Natalie Kahler and Amber Michalski, Department of Corrections; Mary Jane Truemper; Doug Kagan, Nebraska Taxpayers for Freedom; Brad Alexander and Mark Leflore, Youth Center; and Constance Mierendorf, Douglas County Clerk/Comptroller's Office. Commissioners Boyle and Morgan chair the Committee. Joe Lorenz conducted the meeting.

A video recording of the meeting is available on the Douglas County Website:

<http://commissioners.douglasCounty-ne.gov/board-meetings/videos>.

Joe Lorenz presented an overview of the 5 groups that would be presenting their budgets in above budget guidelines (See Attachment A).

County Attorney

- Joe Lorenz said that the County Attorney's Office needs approximately \$100,000 in supplement this year to pay for software. The County Attorney's Office anticipates \$1.2 million in revenue, much of which comes from grants. Mr. Lorenz noted that grant money is not flowing as readily to the County Attorney's Office as it once did; it is being diverted to other areas such as juvenile justice. The major portion of the County Attorney's budget, approximately \$7 million of the \$8.4 million budget, is payroll.
- County Attorney Don Kleine explained that on the federal level, the Department of Justice is not providing funds for grants like it once did.
- The difference in the County Attorney's target and projected Fiscal Year 16/17 budget is \$213,167. \$60,000 of that projected budget includes a new position. The non-payroll increase to the proposed budget is \$153,000.
- Increases in non-payroll funding include:
 - An increase in expert witness fees
 - A significant increase in filing fees and court costs
 - A rise in extradition costs requiring sending 2 Sheriff's deputies to pick up a suspect
 - \$35,000 for Omni and e-filing that is required by the State

- An increase in autopsies of 20-25 more per year
- Mr. Kleine noted that many of the department's costs are not controllable. The volume and nature of cases is a challenge. The County Attorney's Office has 50 murder cases and 2 quadruple murder cases pending. Expert witness costs are up as well.
- Mr. Kleine said that his department does what it can to keep costs low. When possible, they move money around to stay within budget. The County Attorney's Office makes decisions about extraditions, taking costs into account; it also asks the Court for reimbursement if extradition costs are high.
- Commissioner Cavanaugh noted that a fair number of attorneys in the County Attorney's Office are covered under grants and that by law attorneys can handle only a certain number of cases. Mr. Kleine added that 17 attorneys and about a dozen staff members are grant funded, some partially.
- Commissioner Boyle said he did not expect departments that have uncontrollable costs to cut costs or reduce spending in line with the budget goals. While they should be creative as they have been in seeking grants, \$213,000 is not a great increase in the greater scheme of things.
- Doug Kagan of Nebraska Taxpayers for Freedom asked if criminals might be asked to repay extradition costs and about filing fees. Mr. Kleine answered that his Office did make requests for reimbursement from the Court, but individuals who are charged and incarcerated do not usually have the resources to pay extradition costs.
- Mr. Kleine said that the filing fees go to the State, so the County does not have control over those fees.
- Mr. Kagan also asked about the possibility of consolidating the City Attorney's Office and the County Attorney's Offices together. Mr. Kleine replied that there have been some discussions about that kind of merger and in some ways the combination might be beneficial.
- Commissioner Morgan offered that Mr. Kleine should ask the Board for any help he might need for talks about a merger. He added that he believed the Commissioners should accept Don Kleine's budget request. Commissioner Boyle concurred.

Public Defender

- Joe Lorenz noted that cost centers, like the County Attorney's Office, Public Defender's Office, and Corrections are coming in over their 3% targets because they are case load driven. Compared with the row offices and the Health Department, that can predict and manage their costs, these areas cannot control their volume.
- This year's Public Defender's budget includes a \$225,000 supplement for attorneys.

- Mr. Lorenz said that grant funding in the Public Defender's Office is on the rise. This year their projected revenue is \$95,000 compared with previous years that came in around \$10,000. Payroll is over 90% of the Public Defender's budget.
- Public Defender Tom Riley said his office is asking for \$146,000 over the target budget for next year to fund attorneys.
- Mr. Riley said that a high percentage of criminal cases in the County are Public Defender cases. Scott Sladek tracks the crimes in the Public Defender's Office. The number of criminal cases has increased over the past 6-7 years; the nature of these crimes like homicides, sexual assaults, child victim crimes, etc. is more severe, and these trials are more difficult both emotionally and financially. Additionally, the legislature has converted many misdemeanors to felonies. High penalty offenses take several weeks to defend.
- The number of mental health issues is exploding for the Public Defender's Office.
- Mr. Riley said that the Public Defender's job is more and more difficult because choices have to be made about individuals charged with serious crimes who also have mental illness. Expert witnesses are extremely costly in areas of forensics: DNA, fingerprints, ballistics and electronic media. The pool of forensic psychologists and psychiatrists is very small.
- Good movement has been made in the area of specialty courts like drug court, young adult court, and veterans' court. The number of cases sent to these courts has increased and the Public Defender's Office has had to assign an attorney to the specialty courts.
- As the number of cases has increased, responsibilities have also increased. Mr. Riley reviewed the salaries of the County Attorney's Office and compared them with the Public Defender's Office salaries. He noted that statute requires that personnel in each department be paid at equitable rates. The Public Defenders' Office has fallen behind, and Mr. Riley is attempting to make the two offices generally equal.
- Commissioner Borgeson suggested that Human Resources take a look at the salary issues in the Public Defender's Office.
- Joe Lorenz said that Karen Buche of Human Resources agreed to include both the Public Defender's and the County Attorney's Offices in a methodical study of County salaries. This should be done in November. Funding for salary increases comes out of the salary adjustment account, not out of the core department accounts. At year's end, the Board considers the Public Defender's Office, the County Attorney's Office and Civil Service employees and determines how much increase to give each area. At that time, money moves from the salary adjustment account to the respective departmental accounts.
- In reviewing the Public Defender's request, Mr. Lorenz found that the request included a 6% increase for attorneys and a 4% increase for non-attorneys. Of the requested budget increase, only \$10,000 was for non-personnel.

- Mary Jane Truemper asked if the Public Defender’s Office benchmarks with other Public Defenders. Mr. Riley responded that Public Defenders are different throughout the country; unlike County Attorney’s Offices, the structure and funding of Public Defenders’ Offices varies greatly. The American Bar Association has case load guidelines that his Office routinely exceeds. Mr. Riley attends webinars, participates in list serves and generally stays in touch with other departments to “stay ahead of the curve” on issues.
- Doug Kagan, Nebraska Taxpayers for Freedom, asked if taking bids for expert witnesses is possible. Mr. Riley responded that it is extremely difficult to find expert witnesses, particularly in mental health and forensics cases. These experts are limited in number, and their use is important. In the past year, 2 people have been exonerated using DNA evidence. Ballistics and finger prints have to be sent out of state.
- Mr. Kagan asked if Mr. Riley had sought lawyers to do pro bono work. Mr. Riley responded that pro bono work was usually done in civil cases. Private lawyers, for the most part, do not do criminal work and given the nature of the criminal cases, they do not volunteer for them.
- Mr. Kagan asked about arrests of undocumented immigrants and whether the Immigration Service is picking them up sooner. Mr. Riley replied that he was not aware of the length of time it was taking, but he has assigned a lawyer to work with any illegal immigrants who have been charged with an offense. Often they are willing to be deported rather than spend months in jail waiting to go to Immigration Court. The Public Defender’s Office can help expedite the process saving housing costs in the Corrections Center.
- Joe Lorenz noted that there is only a \$10 thousand increase beyond salaries in the proposed budget. Last year the salary increase was 4%.

Sheriff

	<u>F14/15</u> <u>Actual</u>	<u>F15/16</u> <u>Modified Budget</u>	<u>F16/17</u> <u>Requested Budget</u>
Total Headcount	202	205	205
Expenses	\$14,725,067	\$15,689,463	\$15,795,831
Revenues	\$2,823,923	\$3,020,000	\$3,107,537

- Joe Lorenz said he did not anticipate a need for a budget adjustment to this year’s budget. Approximately 90% of the Sheriff’s budget is for salaries. The Sheriff’s Office generates approximately \$3 million in revenue.

- Deputy Tom Wheeler explained that Sheriff Dunning had been in the building earlier to meet but had a conflict at this time. Mr. Wheeler presented the Sheriff's Office budget (See Attachments B and C). The FY16/17 budget request is approximately \$396,850 over target. \$119,822 of that request comes with offsetting revenue.
- The additional \$277,028 request is needed to fund existing operations that were formerly paid for with forfeiture funds from seized assets. These include
 - Practice ammunition
 - Training to maintain instructor certifications
 - Crime lab accreditation
 - Technology maintenance and service agreements
 - Subscriptions to law enforcement databases and investigative tools
- Mr. Wheeler explained that the drug forfeiture program was in flux on both the federal and state levels. On the federal level, all seizures were stopped 9-12 months ago. The federal authorities told the Sheriff's office that it does not have the money the Sheriff's Office seized to give back. The program was then continued from March to September; however, the program may disappear altogether depending on the next President and Congress.
- In creating the budget for next year, the 4 bureau captains each submitted a budget request to the Sheriff; the original overall budget request came in at \$710,198 over the target. The Sheriff's Office realized it needed to come in closer to target and cut \$313,348 from that request (See Attachment B, p. 5). Among the cuts are a number of equipment and training needs that can be deferred for a year, but not indefinitely. Mr. Wheeler stated that what makes a law enforcement agency a professional agency is continuously updating training and equipment.
- Since 2010, the Sheriff's Office averaged \$783,624/year in revenue out of the seized assets fund. \$1.2 million still exists in that fund; however, it is dedicated to accreditation of the crime lab that will be completed this year and a Motorola records management system.
- The budget has increased approximately 2% annually since 2010 and revenue has increased about 2.85% annually.
- Staffing is down from 133 sworn officers in 2010 to 127 in 2016. Non-sworn personnel were 74 in 2010 and 76 in 2016.
- Commissioner Boyle inquired about the effect of the annexation of Douglas County property by the City over the past 25 years and what impact that has had on the Sheriff's department. Mr. Wheeler explained that 26 annexations had occurred in this time period and while the area has shrunk, the population has increased from 47,180 in 1990 to approximately 76,298 in 2016. In the past 5-6 years, 5,500 residential building permits have been issued in unincorporated Douglas County. Using the MAPA (Metropolitan Area Planning Agency) factor of 2.6 residents per household, those building permits would add 14,300 people to the County. Most of the double digit growth in population is in the County. Most of the loss of population is in the city.

- Commissioner Boyle inquired about the idea of dividing the City and County along a reasonable line for law enforcement coverage. Mr. Wheeler said this idea makes some sense and the Sheriff is amenable to discussing the idea.
- Mr. Kagan inquired about shifts, outsourcing civilian jobs and crime lab accreditation. Mr. Wheeler said that the Sheriff's Office is prudent in assigning shifts and avoiding overtime; civilian jobs are not outsourced and the crime lab is seeking ANAB (ANSI-ASQ National Accreditation Board) accreditation which certifies both crime scene investigators and the lab itself. The Sheriff's Office will apply for accreditation at the end of the summer and hopes to have that accreditation at the end of the fall.
- Commissioner Morgan asked if it was possible to reduce staff with the division of the County with the City to make coverage of the territory more efficient as Commissioner Boyle suggested.
- Commissioner Duda said that he is the only Commissioner who lives outside of the Omaha city limits and brings a different perspective to the discussion than others. Every other elected official who comes before the Finance Committee receives a different response than what the Sheriff's Office gets. Basing budget decisions on an idea about drawing a line through the County is not feasible. The Sheriff's Office has presented information that shows increased population and an increase in the number of calls. Staffing on the Road Patrol is very important to the entire County. Until a definite plan is in place in writing to divide the County and reduce staffing, Commissioner Duda said he is not ready to say that the Sheriff's Office should not get what they need.
- Commissioner Boyle said that the Sheriff will make the decisions about a line in the County. If the Sheriff can find the street that makes sense to divide the County, the Sheriff will then make the decisions about staffing. Commissioner Boyle does not want to see \$42,000 for Electronic Visitation cut from the proposed budget if it means more deputies would be needed to manage the visitations.
- Commissioner Boyle asked if it would be helpful to the Sheriff's staff to close some entrances to the Civic Center. That would cut some costs.
- Wayne Hudson, Sheriff's Office, responded that if certain doors are locked, more personnel are needed to make sure the doors stay locked. He will be cooperating with the City to discuss ways to make this building more secure.

Corrections

	F14/15 <u>Actual</u>	F15/16 <u>Modified Budget</u>	F16/17 <u>Requested Budget</u>
Total Headcount	392	401	422
Expenses		\$34,691,925	\$37,848,038
Revenues		\$14,827,090	\$15,870,280

- Joe Lorenz said that Corrections is the second largest budget department in the County, second only to the Health Center (See Attachment D). It receives revenue from the City, U.S. Marshalls, I.C.E. (Immigration and Customs Enforcement) and grants such as a \$15 million grant from the Sherwood Foundation. Dr. Foxall indicated that he might be able to come in on budget this year, but he just added a new graduating class and he would be in touch with Mr. Lorenz in early May about those costs.
- Dr. Foxall described a severely mentally ill inmate from Hastings who, through a series of incidents and transfers, was arrested for felony assault and has been on suicide watch since April 6, a high cost to Douglas County. Dr. Foxall said the Adams County attorney stated that jail was a safe place for the individual and that Adams County did not want the inmate back.
- Commissioner Kraft suggested that Douglas County bill Adams County for caring for this inmate.
- Dr. Foxall said he would work with the County Attorney's Office and the administration to determine how to deal with billing for this situation in the absence of a contract. He said this was an example of the complicated cases Corrections deals with.
- The Corrections population is growing. Last December, Corrections held 908 people. After the weekend of April 23-24, the population was 1136. The female population stands at 180, which is higher than it has ever been.
- Mary Jane Truemper asked about whether Corrections benchmarked with other institutions. Dr. Foxall answered that there are 3400 jails in the country and they are extremely diverse. There are several organizations that Corrections is involved with.
- Fewer people are staying longer at the Corrections Center because of mental illness.
- Doug Kagan asked whether federal revenues were up and Dr. Foxall responded that federal numbers were up including I.C. E. money.
- Mr. Kagan asked about recovering money from the State when Douglas County has to adjudicate people who are charged with State crimes.
- Commissioner Borgeson replied that the County would still like to recover those funds from the State, but that it was unlikely.

- Dr. Foxall discussed new staffing requirements: 12 correctional officers, 1 classification officer, and 8 case managers.
- Conditions effecting housing units have a strong mental health component including opiate withdrawal, alcohol withdrawal and co-occurring mental disorders. Mental health diagnoses are increasing and are trending up. 60% of the population suffers from some form of psychosis and 17% is bipolar.
- Commissioner Boyle asked about restrictive housing. Dr. Foxall replied that Corrections has 2 restrictive housing units consisting of 32 single male occupancy cells and 8 female single occupancy cells. More people are assigned to restrictive housing because of mental illness and/or for protection.
- Commissioner Cavanaugh noted that the population trend from 2010 is down. suggested that Corrections look at the Douglas County Mental Health Center to see if Corrections can collaborate with them. They have 4 full time psychiatrists.
- One of the stumbling blocks to a secure mental facility is the loss of the 42nd and Woolworth unit that was used for decades to house violent, severely mentally ill patients. At this time, the County has no alternative to the Corrections Center for housing severely mentally ill, dangerous people.
- Dr. Foxall said Corrections has a ¼ time psychiatrist.
- Phone replacement is budgeted at \$500,000 for next year; however, Joe Lorenz said this was being negotiated with DOTComm and would probably come in at half that cost. All departments are being upgraded.
- Commissioner Morgan asked if the phone upgrade should be added to the Bond. Commissioner Cavanaugh concurred and added that he would not be willing to raise taxes for the upgrade but would be willing to include it in the Bond.
- Mr. Lorenz explained that this is Voice Over IP. It is the next generation of phone service and is not safety related. Because phone upgrades are occurring throughout the County system, this cost should not be included in the budget.
- The proposed budget is a \$3.1 million increase over F 15/16. Of that increase
 - \$2.3 million is salary increases (\$1.5 million is contractually mandated)
 - \$747,000 is for supplies
 - \$10,000 is for travel
- Of the salary increase, \$ 873,000 is for additional staff and \$322,000 of that is reimbursed by Sherwood Grant revenue
- \$1.5 million is annual raises and steps that are contractual. If Corrections made no additions to next year's budget, it would still increase \$1.5 million.
- Of the \$747,000 for supplies, \$ 510,000 is a radio contingency if the Bond does not pass. Corrections needs to replace the system and the \$510,000 would allow for ½ of that project to be funded. Joe Lorenz said it should be taken out of the Corrections budget. If the Bond does not pass, the County as a whole will have to deal with the issue.

- Additional money in tax revenue of about \$3 million is coming to the County from property taxes. Commissioner Morgan noted that ½ of this tax money would go to salary increases alone in this budget.
- Amber Michalski noted that \$18,000 of the \$747,000 supply line can be a controllable number. The travel increase of \$10,000 is also controllable.
- Of the \$3.1 million overall budget increase, \$540,000 is completely covered by revenue.

Youth Center

	<u>F14/15</u> <u>Actual</u>	<u>F15/16</u> <u>Modified Budget</u>	<u>F16/17</u> <u>Requested Budget</u>
Total Headcount	125	132	132.5
Expenses	\$7,842,472	\$8,033,798	\$8,129,084
Revenues	\$6,645,643	\$5,025,000	\$5,118,922

- Joe Lorenz does not anticipate needing a supplement to this year's Youth Center budget. Revenue sources have increased and shifted. In the past the Youth Center received revenue mainly from reimbursements; now more grants are coming in for projects related to juvenile justice. Payroll is the great majority of their \$ 8million budget. The proposed budget is within the 1½% budget guidelines.
- Brad Alexander presented the Youth Center budget (See Attachment D). In describing what the Youth Center does, Mr. Alexander said that "our job is to take care of other people's kids." Formally, the Center provides 120 secure detention beds, 24 staff secure beds and the ability to supervise 50 youth on electronic and GPS monitoring. Additionally the Center has an Evening Reporting Center called EPIC (Encouraging Positive and Intelligent Choices).
- The Youth Center does not receive County money for any unmandated services. Education is completely reimbursed by Title I and the Center held 18 graduation ceremonies in 2015 to celebrate youth success.
- Among the programs the Youth Center makes available to young people are a Career Center and career fair with local employers who educate youth about job opportunities and encourage them to apply for jobs. Barnes and Noble has been an active business partner with the Center holding donation drives. The Center has received 10,000 donated books.

- Release Ministries provides a full-time chaplain for the Youth Center and has been a partner for 22 years.
- Family Engagement is a program that encourages family visits to youth. Recidivism goes up significantly for youth who do not receive visits. A family engagement liaison funded by Sherwood Foundation has been successful in increasing the number of young people getting visits by 35% from 2014 to 2015.
- The Center offers a domestic violence program, and various support programs including mental health, sexually transmitted diseases, appropriate relationships and the role of parenthood.
- The H.O.M.E. (Home On Monitoring Equipment) Program saved 9,661 detention bed days last year and saved the Center approximately \$1.5 million.
- The Youth Center has been honored locally and nationally with the Award for Excellence in Detention Facility Operation from Nebraska Jail Standards; the Spirit of Girl Scouting Award and a National PASS Institute recognition as the number one site in the country for youth earning academic credits.
- The Center is preparing for an audit in October 2017. An area of concern is that Nebraska Jail Standards has set a staffing ratio of 1:8; currently the Center has 12 bed units. Mr. Alexander is monitoring this and will know more about the requirement by the end of the fiscal year.
- The Evening Reporting Program is being reviewed by the University of Nebraska-Omaha and if it receives favorable review, the Youth Center would like to extend the program to north and south Omaha. This would not be an extension that would require County funding.
- Mr. Alexander discussed Revenue sources as listed on Attachment D, p. 4.
- The requested budget is only \$1,364 over this year's budget.
- The average stay at the Youth Center is 28 days.
- Mark Leflore said that vocational programs are available through the Career Center. Speakers from business, schools, and churches come in twice per month to expose youth to the options that are available to them. Music programs, including digital music, are available in the evening program.
- Region 6 Behavioral Healthcare helps with behavioral issues. As the Center is seeing more youth with mental health problems, they are screened by licensed mental health professionals.
- Commissioner Boyle requested that every 2-3 months the Youth Center make a presentation to the Board.

The meeting adjourned at 4:07 P.M.