

Administrative Services Committee Meeting

Douglas County, Nebraska

Wednesday, June 6, 2018

The meeting convened at 9:00 A.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 June 4, 2018, issue of *The Daily Record*. County Commissioner Jim Cavanaugh chairs the committee. Others present at the meeting included Commissioner Clare Duda; Patrick Bloomingdale, Joe Lorenz, Catherine Hall, and Leia Baez, County Administration; Amber Redmond and Mark Foxall, Corrections; John Ewing, Treasurer's Office; Chris Burbach, Omaha World Herald; Carol Jennings and Thomas Riley, Public Defender's Office; Donald Kleine, County Attorney; Jerry Leahy and Jeff McGill, Public Property; John McCormick, Omaha Fire Department; Bob Perrin, citizen; Tom Beacher, Redfield; and Dan Esch and Constance Mierendorf, Douglas County Clerk/Comptroller's office.

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

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

County Attorney Space Needs

- Commissioner Cavanaugh referred to the Juvenile Justice System Assessment and Courts Space Needs Study commissioned by the Omaha Douglas Building Commission that was released in January 2018. The study is commonly referred to as the Chinn study. The purpose of these discussions in Administrative Services committee meetings is to determine the needs of the 3 groups identified in the Chinn study: the attorneys, the Juvenile Court and the Youth Center. Today, the attorneys will provide an overview of their space needs. Growth in population and caseloads has made it difficult for attorneys to find space and the County is anticipating further growth.
- In subsequent meetings, the Committee will hear from the Juvenile Court and the Youth Center. This may take the balance of the summer to complete. The question to these groups will be: what do you have and what do you need?
- County Attorney Donald Kleine said he has budgeted 56 attorneys but currently employs 54. He has 10 Civil Division lawyers on the 9th floor of the Civic Center. This is good space but it is difficult from a management perspective.
- Victim witness offices are in the Grain Exchange (AIM) Building on 19th and Harney. The rest are on the first floor of Courthouse. The juvenile division is on the first floor in the jury assembly room.
- The rest of the County Attorney's staff is in the basement of the Courthouse. It is an area that has flooded in the past. The Fire Marshall allows only a certain number of people in those offices because of egress issues. The basement houses investigators, law clerks, and storage as well as a secure room for evidence.
- The area occupied by the County Attorney's offices in the Courthouse is 23,000 sq.ft. Mr. Kleine said he would like to have everyone in the same area. His staff also need accessibility to the Courthouse. Distance is a problem when they need to take witnesses and evidence up to the Courthouse.

- The criminal division is split on the first floor of the Courthouse.
- The Courthouse and Civic Center accommodate 56 attorneys. Victim witness offices are an additional 3200 sq.ft. These spaces are not adequate.
- Mr. Kleine has a total of 111 total employees in 25,000 sq.ft. of space including the witness victim offices.
- Mr. Kleine said ideally, going forward, all of his staff would be in one location. The space is not adequate now; there are not enough conference rooms or deposition rooms, so he has to go to the Legislative Chambers or elsewhere for meetings.
- The County Attorney's office needs room to expand because caseloads are not declining.
- Commissioner Cavanaugh said that just yesterday the County board approved \$100,000 in the budget because of increased caseloads.
- Commissioner Cavanaugh said the County Attorney's office should be looking for at least 30,000 square feet to meet current needs, but it also needs to factor in growth.
- Jerry Leahy said Mr. Kleine used to have small conference rooms, but as attorneys were added, those conference rooms had to be converted to offices. The County Attorney needs to have space to accommodate families and press. He should probably have 30,000 sq.ft. right now.
- Commissioner Duda asked if the County Attorney is given new space, what does the County do with the space they vacate. There are no plans for that space.
- Commissioner Cavanaugh agreed that these moves have a domino effect and strategic planning is essential. He asked Mr. Kleine if he would want to maintain a footprint in the Courthouse.
- Mr. Kleine said he would need a meeting place on the 6th floor where he could meet with witnesses and also maintain a conference room or 2 in the Courthouse.
- Commissioner Cavanaugh summarized the County Attorney's needs as one location close to the Courthouse; 30,000 sq.ft. with room for expansion and a presence in the courthouse.
- Mr. Kleine said the offices need to be secure and attached to the Courthouse.
- Commissioner Cavanaugh said the County needs to do something to address this overcrowding. It also needs to consider what to do with the space that is left.

Public Defender's Space Needs

- Public Defender Tom Riley employs 53 lawyers in 14,863 sq.ft. of space. Additionally, the office has 25 support staff and 8 law clerks. He has 10,000 sq.ft. less than the County Attorney's office.
- Mr. Riley said he did manage to get all of his staff under the same roof. Having offices scattered all around is not cost effective and very difficult from a management perspective. His office gets 2000 calls/week on one switchboard.
- The Public Defender's waiting room is significantly larger because attorneys meet with numerous clients who are being prosecuted. A large waiting room is necessary to accommodate those clients.
- Mr. Riley said his numbers are increasing. From 2015-2017, the Public Defender's office caseload increased: 800 more felonies and 2500 more misdemeanors. Space needs will increase as the population increases.
- Commissioner Cavanaugh asked Mr. Riley about the caseload standards for public defenders.
- Mr. Riley answered that recommended caseload standards are 400 misdemeanors per year for an attorney. The vast majority of Douglas County public defenders carry 600 misdemeanors plus 30 felonies.
- The stress level on attorneys has increased exponentially, and Mr. Riley said he does not have an answer except to say he needs more help. The County would need another 8 lawyers today if it were coming even close to the recommended level. The Public Defender's office has lost 4 lawyers in the last 3 months.
- Mr. Riley said his office needs security plus all of the needs Mr. Kleine described.

- Mr. Riley said he read the Chinn study and found a number of significant errors. Some are minor and not germane to today's meeting; however, they did not understand the workings of the Public Defender's Office. It does not have a dedicated juvenile court staff. The study discusses 12 Public Defenders totally dedicated to juveniles (p. 60 Chinn report). Douglas County does not and will not have 12 people handling just juvenile cases. This would create a huge increase in the budget.
- Mr. Riley said the County should be focusing on clients-- not "best practices" as defined by the Chinn study.
- Looking forward 5-7 years, the Public Defender's Office will need 8 more lawyers. Currently, the average space for an attorney is 130 sq.ft.--just enough for a small desk and computer and 2 chairs.
- The Public Defender's office has a conference room adequate for small meetings but not for office meetings. Mr. Riley uses courtrooms or Jesse Lowe for meetings. Today, numerous support staff are seated in v-shaped desks stuck in the corners of the office with no privacy. The secretarial staff does have cubicles; however, 7 support staff members are crowded into a 400 sq.ft. area.
- Mr. Riley needs 25,000 sq.ft. with some allowance for growth.
- Commissioner Cavanaugh said in summary that both attorneys' offices would like to be housed in one location with secure access to the Courthouse. The County Attorney's Office needs approximately 30,000 sq.ft., and the Public Defender's Office needs 25,000 sq.ft. Both need room to expand and both would like a small presence in the Courthouse with some privacy.

Public Property Update

- Jerry Leahy reported that Phase 1 is completed at Corrections and they are staging and ordering for Phase 2. This is on budget and on time. Because the project had to be done in phases, there were difficult challenges and expenses to manage the population at Corrections. Once the project is completed, it will be a much safer environment for all.
- D.R. Anderson, the existing contractor on Phase 1, is also the contractor on Phase 2.
- Commissioner Cavanaugh said he is regularly taking informal tours of the West Maple building with stakeholders and things are going well.
- Jeff McGill reported that the West Maple campus building is overall 40% complete. Roofing is 90% complete; dry wall and framing is 60% complete; geothermal wells are 90% complete. Plumbing is 72% complete.
- The geothermal system will be a great savings for the County.

Juvenile Justice Center Strategic Planning

- Mr. Leahy said it is obvious the County needs to address overcrowding at the Courthouse, especially the juvenile courts.
- The County is trying to acquire property. The 408 building (DOT.Comm) is currently owned by the County (408 S. 18 St.) The 420 building at 420 S. 18 St. is owned by Bob Perrin. It was formerly the Corps of Engineers building.
- The County is assembling property for the future. The Library is a National Historic Building and it will be maintained. Mr. Leahy said the County could build a new building to accommodate all of the needs heard today.
- Commissioner Cavanaugh said the recent acquisition of the Omaha Housing Authority (OHA) Building at 1805 Harney St. for \$2.75 million was achieved by freeing up \$4 million of inheritance tax funds. The purchase of the 420 building and adjacent parking lots completes the \$4 million investment.
- Commissioner Cavanaugh said it is important to look at this campus (Civic Center and Courthouse) and adjacent properties. What is available out there? The County needs 50-60,000

sq.ft. for the attorneys. OHA, which the County just purchased, is 27,000 sq ft. There are other adjacencies that have more available square feet.

- Mr. Perrin's building is 50,000 sq.ft. and the 408 building is 37,000 sq.ft. There are 3 components to the study. If the County took all 3 of these buildings, it could almost satisfy the needs of one of these components—the lawyers.
- Commissioner Cavanaugh said it is prudent for the County to scrutinize adjacent properties, see what is available and at what cost. He sees the need for acquiring more space.
- The AIM building at 1905 Harney, directly across the street from the parking ramp is in good condition with 99,000 sq.ft. and 34,000 sq.ft. in adjacent parking. Compared to the 3 buildings on 18th street that the County is considering, it is in much better shape.
- East of the Courthouse is the Keeline Building (319 S. 17 St.), which the County uses, at 60,000 sq.ft. and it is in average condition.
- On the northwest corner of the City/County campus, the Empire State Building (200 S. 19 St.) is 30,000 sq.ft.
- The Service Life Building at 1904 Farnam is 51,000 sq.ft. These adjacencies should be considered.
- Commissioner Cavanaugh said the interesting thing is the valuation of these buildings. The County should scrutinize what property is available and at what cost. The stakeholders should determine the needs. It's not only acquisition for future needs but close scrutiny of what the costs are.
- The AIM Building is valued at \$2.6 million with 99,000 sq.ft. for a cost of \$26/ sq.ft.
- The Keeline Building is valued at \$1.4 million with 60,000 sq.ft. for a cost of \$23/sq.ft.
- The Empire State Building is valued at \$1.6 million with 30,000 sq.ft. for a cost of \$53/sq.ft.
- The Service Life Building is valued at \$1.4 million with 51,000 sq.ft. for a cost of \$27/sq.ft.
- Commissioner Cavanaugh said some of these other properties should be considered as the County goes forward. Some are at considerably less cost than the property the County has purchased.
- The purpose of these meetings is to learn from the stakeholders about what their needs are and to inform the public.
- Commissioner Duda said if the Board starts looking at other properties, it needs to be sure to have a secure facility. He said the Keeline would have to be torn down. He said he toured it several years ago and it is not ADA compliant. It would be cost prohibitive to bring it into compliance.
- Commissioner Cavanaugh asked if the Omaha Housing Authority Building is ADA compliant.
- Commissioner Duda said he had not been in the OHA for 10 years and did not know.
- Commissioner Cavanaugh asked if Commissioner Duda would anticipate using any of these properties, repurposing, or tearing down and building new.
- Commissioner Duda said he anticipated new construction.
- Commissioner Cavanaugh said AIM building is close to the parking facility, which has access to the Civic Center. A secure walkway across the street would be possible. The parking ramp has access to the tunnel that exists to the Civic Center.
- Commissioner Duda said tunneling would not be feasible. A walkway across the street between OHA and the Courthouse would be several million dollars.
- Commissioner Cavanaugh asked if there any plans or sketches for a building project.
- Jerry Leahy said there are no sketches for any building.
- Commissioner Duda said the Building Commission is not taking the lead on the project. This has to be County driven. The Building Commission is not initiating anything on its own.
- Commissioner Cavanaugh asked about the recent resolution by the Building Commission to expand its bonding authority.
- Commissioner Duda said this was included in the budget just in case it was needed. The only way the Building Commission could go out for a bond is if the County says it will pay the principle and interest. The Building Commission pockets are not deep enough and it just raised its levy to its statutory limit.
- Commissioner Cavanaugh said the Chinn study estimated \$87.16 million for the project, which was later corrected to \$106 million. Does the Building Commission have the capacity to float that size bond?

- Commissioner Duda said only if the County agrees to pay principle and interest. The Building Commission could possibly raise \$40 million, but it has no intention of doing that. It is only there to support the County.
- Dan Esch said he is concerned about the lack of mention of DOT.Comm in these discussions. If their building is torn down, where will they go in the meantime?
- Patrick Bloomingdale said they would go into the tower. They could use C level when their building is torn down and then have space in the tower. Their presence there would be desirable anyway.
- Mr. Leahy said the Building Commission and DOT.Comm are having discussions. DOT.Comm is also going to have some space on the West Maple campus.
- One possibility is to move Records Imaging up from C level. There has been a good deal of discussion with DOT.Comm.
- Commissioner Cavanaugh said what happens with space as it is vacated is an important point. If there is going to be a tear down and a tower is going to be put up, there are no drawings or sketches of a tower. There also needs to be a serious discussion about financing. This is the first Commissioner Cavanaugh has heard about DOT.Comm as it relates to the project. He anticipates having DOT.Comm come to one of these meetings. The people who are displaced by this all need to be a part of Strategic Planning and that is the purpose of these meetings.
- Dan Esch said any negative impact on DOT.Comm has serious implications for all of the City and County.
- Commissioner Cavanaugh asked Joe Lorenz about financing this project.
- Mr. Lorenz said the County would have the capacity to finance \$106 million. He also said that the County would have to raise its mill levy.

Fire Station Alerting System Update

- John McCormick, Assistant Fire Chief, said the project is moving along nicely: on time and on budget. All stations should be ready by the end of July. 10-12 stations are done now. They are just working on connectivity. By Monday, those that have been installed should be ready to go. The old and new systems are working together.
- Commissioner Cavanaugh said this project is a great effort and an example of the City and the County working together. It is one of the best collaborations between the two in the recent past.
- He is conducting an impromptu tour of Treasurer's area this afternoon at the West Maple Campus.

The meeting adjourned at 1:20 P.M.