

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, April 24, 2018

The Board was convened today at 9:03 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 April 13, 2018, 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, James Cavanaugh, Clare Duda, Marc Kraft, P. J. Morgan and Chris Rodgers were present.

Motion by Kraft, seconded by Morgan to approve the minutes of the Board of Commissioners meeting held Tuesday, April 17, 2018, and to approve claims submitted for payment processed through Tuesday, April 24, 2018. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item II. Motion by Boyle, seconded by Duda to approve the consent agenda, less items II.E.2., II.G. and II.K.:

- A.** Payment of Tort Claim – Claimant – Doris Scoville, damage to turf, \$450.00, Department – Assessor/Register of Deeds. (Budgeted) (Darrel Neely, Administration)
- B.** Eric J. Carlson, Purchasing Agent – Bid Acceptance:
 - 1.** Garage Door Services to provide overhead Garage Doors in the amount of \$79,088.00 (Budgeted)
- C.** Sherry Glasnapp, Director, Community Mental Health Center – requests approval of the following:
 - 1.** Resolution approving Maryville University College of Health Professionals for use of clinical site facility for students to perform their clinical program experience.
 - 2.** Resolution approving Lifecare Family Medicine of Bellevue Agreement to include physician assistants to perform history and physical exams to inpatients.
- D.** Tom Doyle, County Engineer – requests approval of the following:
 - 1.** Traffic Control Devices in the Falling Waters Commercial Addition
 - 2.** Traffic Control Devices in the Cherry Hills Village and Cherry Hills Business Park SID 413
- E.** Jean Hartnett, Administrator, Douglas County Health Center – requests approval of the following:
 - 1.** Resolution to approve an agreement between Douglas County Health Center and Amie Martin-Schrack, BSN, RN, MHA, CDP (Nurse Consultant). (\$84,000 – Budgeted)

- ~~2. Resolution to approve an affiliation agreement between Douglas County Health Center and Creighton University for dental services.~~
- F. Resolution accepting the 2018 Nebraska State Patrol HIDTA grant award to the Douglas County Attorney's Office. (\$132,220 – Grant Funded – Budgeted) (Shakil Malik, Douglas County Attorney's office)
- ~~G. Resolution approving 'best and final offer' to the Fraternal Order of Police, Lodge #8, in pursuit of a one-year collective bargaining agreement for period July 1, 2017 through June 30, 2018. (Budgeted) (Marcos San Martin, County Administration)~~
- H. Dr. Adi Pour, Ph.D., Health Director – requests approval of the following:
1. Amendment One to the Agreement from the Nebraska Department of Health and Human Services, Division of Public Health, Tuberculosis Program increase from \$18,000. (\$26,000 – Budgeted)
 2. First Amendment to the Agreement with Lutheran Family Services of Nebraska, Inc., regarding a one-year extension.
 3. Amendment One to the Agreement from the Nebraska Department of Health and Human Services, Division of Public Health regarding Women, Infants, and Children Supplemental Nutrition program budget increase from \$778,537. (\$1,557,074 – Budgeted)
 4. Agreement from the Nebraska Department of Environmental Quality regarding 2018/2019 Air Quality Section 105 Clean Air Act. (\$95,600 – Budgeted)
- I. Daniel A. Esch, 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. Contract claim from: Corrections Officer, Ryan Foster
- J. Daniel A. Esch, Douglas County Clerk/Comptroller – presenting claims of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act (**refer to County's Risk Manager for review and determination**):
1. Garrett Haas
 2. Sandeep Nakarakommula
- ~~K. Approve Special Designated Liquor License for Ponca Hills Volunteer Fire Department, 12919 Ponca Rd., Omaha, NE, Douglas County, for a Fundraiser Dance to be held Saturday, June 2, 2018, at Ponca Hills Volunteer Fire Department, 12919 Ponca Road, Omaha, Ne, from 8:00 p.m. to 1:00 a.m.~~

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

Item II.E. Jean Hartnett, Administrator, Douglas County Health Center – requests approval of the following 2. (Resolution to approve an affiliation agreement between Douglas County Health Center and Creighton University for dental services). Speaking were Douglas County Clerk/Comptroller Dan Esch, Commissioner Rodgers, DCHC Administrator Jean Hartnett, Commissioners Boyle and Borgeson, and Deputy County

Attorney Theresa Urich. Motion by Kraft, second by Duda to approve. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **II.K.** (Approve Special Designated Liquor License for Ponca Hills Volunteer Fire Department, 12919 Ponca Rd., Omaha, NE, Douglas County, for a Fundraiser Dance to be held Saturday, June 2, 2018, at Ponca Hills Volunteer Fire Department, 12919 Ponca Road, Omaha, Ne, from 8:00 p.m. to 1:00 a.m). Motion to approve by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Kraft, Morgan, Rodgers. Abstain: Duda. Motion passed. Speaking to his abstention was Commissioner Duda.

Item **II.G.** (Resolution approving 'best and final offer' to the Fraternal Order of Police, Lodge #8, in pursuit of a one-year collective bargaining agreement for period July 1, 2017 through June 30, 2018. (Budgeted) (Marcos San Martin, County Administration)). Motion by Duda, second by Borgeson to approve. Speaking was Commissioner Boyle. Amendment that Douglas County and the FOP Lodge 8 will enter into a separate memorandum of agreement wherein each agrees that they will endeavor to propose and advance the legislative bill in the Nebraska Legislature Session to begin in January of 2019, with the intent to amend Neb. Rev. Stat. §23-2510 to allow a certified or recognized bargaining agent of employees in the Douglas County Department of Corrections to bring non disciplinary appeals to the Douglas County Civil Service Commission by Boyle, second by Cavanaugh. Speaking were Commissioners Cavanaugh and Boyle, representing FOP 8 was John Corrigan, Commissioners Duda and Kraft, Labor and Relations Specialist Marcos San Martin, Douglas County Clerk/Comptroller Dan Esch, Commissioners Rodgers, Borgeson, Boyle and Morgan. Yeas: Boyle, Cavanaugh. Nays: Borgeson, Duda, Kraft, Morgan, Rodgers. Motion failed. Vote on original motion to approve item G. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Abstain: Cavanaugh. Motion to approve item G. passed. Speaking was Commissioner Cavanaugh.

IV. Citizens Comments. Speaking regarding arbitration and union negotiations was John Corrigan. Speaking regarding budget request were Juliet Summers and Commissioner Rodgers.

Item **VII. A. 1.** (Budget report), accepted as submitted.

Item **VII. A. 2.** (Public Defender Budget hearing for FY 2018/19. (Thomas Riley, Public Defender)). Speaking were Public Defender Tom Riley, Commissioners Kraft, Borgeson, Morgan and Boyle.

Item **VII. A. 3.** (County Attorney Budget presentation. (Don Kleine, County Attorney)). Speaking were County Attorney Don Kleine, Commissioners Boyle, Morgan and Rodgers, Public Defender Tom Riley, Juvenile Division Deputy County Attorney Nicole Brundo, Commissioner Borgeson, from Nebraska Taxpayers for Freedom Doug Kagan, and Jim Sazama.

Motion by Boyle, second by Kraft to recess at 11:26 a.m. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

Motion by Boyle, second by Kraft to reconvene at 11:36 a.m. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VII. A. 4.** (Presentation: Juvenile Assessment Center (JAC) Budget Request FY 18/19. (Shawne Coonfare, JAC)). Speaking were Shawne Coonfare, Commissioners Boyle, Rodgers, Borgeson and Kraft, Juvenile Division Deputy County Attorney Nicole Brundo, Juliet Summers, Chief Administrative Office Patrick Bloomingdale, from Nebraska Taxpayers for Freedom Doug Kagan, and Jim Sazama.

Items **V.** Presentations:

A. ("Are Cash Bail Bonds Unconstitutional?" presented by David Herzog. (Commissioner Marc Kraft)) Speaking were Commissioner Kraft, David Herzog, Commissioners Boyle, Cavanaugh, Duda, Borgeson and Rodgers.

Taken next were items **V.** Presentations: **B.** (Resolution directing Douglas County to make an offer to purchase property from Marcy Mason, LLC in the amount of \$900,000. (Budgeted) (Patrick Bloomingdale, CAO) (**Discussion and Action**)) and **C.** (Resolution directing Douglas County to make an offer to purchase property from OHA in the amount of \$2,750,000.00. (Budgeted) (Patrick Bloomingdale, CAO) (**Discussion and Action**)) Speaking were Chief Administrative Office Patrick Bloomingdale and Commissioner Cavanaugh. Motion by Cavanaugh for a one week layover. There was no second to the motion. Motion to approve by Borgeson, second by Boyle. Speaking were Commissioners Kraft and Cavanaugh, Fiscal Administrator Joe Lorenz, Commissioners Duda and Boyle. Yeas: Borgeson, Boyle, Duda, Kraft, Rodgers. Nays: Cavanaugh. Abstain: Morgan. Motion passed. Speaking to his abstention was Commissioner Morgan. Also speaking was Commissioner Boyle.

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

Item **VII. G. 2.** (Legislative issues). Speaking were Commissioners Boyle and Rodgers.

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding litigation and real estate at 1:30 p.m. by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion Passed.

Motion to reconvene and adjourn by Borgeson, second by Kraft at 1:46 p.m. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion Passed. The Board adjourned off camera.