

**DIRECTORS' MEETING  
MONDAY, APRIL 13, 2009  
COUNTY-CITY BUILDING, ROOM 113  
11:00 A.M.**

**I. CITY CLERK**

**II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL**

**PRESENTATIONS**

1. Health Department
2. Law Department

**MAYOR**

1. NEWS RELEASE. Larry the Cable Guy (Dan Whitney) will perform in Memorial Stadium on July 4<sup>th</sup> as a thank you to Husker Fans.
2. NEWS RELEASE. Winners announced for Mayor's arts awards.
3. Washington Report, April 3, 2009.

**DIRECTORS:**

**HEALTH DEPARTMENT**

1. NEWS RELEASE. 2009 household hazardous waste collections begin April 18.
2. NEWS RELEASE. Help keep Lincoln and Lancaster County clean. Cleanup mini-grants available.

**PLANNING COMMISSION ACTION**

1. Action by the Planning Commission on April 8, 2009.

**PLANNING COMMISSION FINAL ACTION**

1. Special Permit No. 09004. Off-sale alcohol, 108 O Street. Resolution No. PC-01162.
2. Use Permit No. 09001. North 90<sup>th</sup> and O Streets. Resolution No. PC-01161.
3. Special Permit No. 08004A. Continuation and expansion of soil excavation. No. 40<sup>th</sup> Street and Waverly Road. Resolution No. PC-01163.

**III. COUNCIL RFP'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS**

**JON CAMP**

1. Robert Younger letter, and Councilman Camp's reply, on graffiti with suggestions to how to reduce damages.

## **ROBIN ESCHLIMAN**

1. Request to Fred Hoke, Building & Safety Director - RE: Assist the neighborhoods with problems such as graffiti, snow removal, etc. (RFI#20 - 04/09/09)

## **IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL**

1. Email from Jennifer French. Grew up close to South Branch Library and used frequently. Closing the Library now would be a giant loss for children in the area.
2. Email from Mike and Ann Schlick, South Central Unified #5. While attending FFA event at Pershing, three vans towed costing \$100 per van. Does Lincoln want to host events? Maybe events should be held in central Nebraska if this is the way Lincoln treats people who attend.
3. Email from Jennifer L. Sommars-Link. The South Branch Library most certainly should not be closed. A library is a necessity for a neighborhood with many children and families in the middle class range.
4. Email from Leslie Tien. Asking that South Branch Library not be closed. We do pay taxes for these kinds of services and there is a real need for small neighborhood libraries.
5. Email from Janee Gagner-Wilcox. Keep the South Street Library open. It is a very important fixture in the neighborhood.
6. Email from Jeanette Fangmeyer. Had planned on attending the Uncle Sam Jam this year but now it will be on July 3<sup>rd</sup> for a one time event geared to an adult audience. Keep on July 4<sup>th</sup> and move to Holmes Lake. Lincoln will not know how many families take July 4<sup>th</sup> spending to smaller surrounding towns because of the event being moved to July 3<sup>rd</sup>.
7. "NSAA Volleyball Decision Disappointing" statement from Wendy Birdsall, President of Lincoln Chamber of Commerce.
8. Email from Terry Kreifels, Action Plumbing and Heating, Inc. President. Consider approving the proposed plumbing permit fee increase to allow the plumbing inspection department to be properly funded.
9. Email from Julie Brittenham. Keep the South Branch Library open. The library is an integral part of this neighborhood with a mix of people, incomes and services. Very important to the children in the area.
10. Letter from the Lincoln Association of Plumbing-Heating-Cooling contractors, Mr. David E. Reiber, President. Proposed increased fee schedule will provide funds to maintain the level of service to Lincoln plumbing contractors. (Letter delivered to Council Members on 04/06/09 before formal meeting)
11. Letter from Wade Misko. Keep the South Branch Library open. Lincoln seems to have budgets, which will likely balloon, for projects still in the blueprint stage but not for an existing entity with budget needs clearly defined.
12. Resolution of Cotner Center Condominium Association of Co-Owners, Inc. Acting upon the wishes and behalf of all Cotner Center Condominium residents request Lincoln allow of allotment of monies to keep the Bethany Library open now and into the foreseeable future.
13. InterLinc correspondence from Janelle Hotovy. How sad the Mayor has chosen not to celebrate the 4<sup>th</sup> of July on the 4<sup>th</sup>. The family fun is at Oak Lake.
14. InterLinc correspondence from Kelsi Gunderson. Appalled the City would change the July 4<sup>th</sup> day-long celebration for a non-family friendly comedian to use Memorial Stadium.

## **V. ADJOURNMENT**

**DIRECTORS' MEETING  
MINUTES  
MONDAY, APRIL 13, 2009  
11:00 a.m.  
COUNTY/CITY BUILDING  
CONFERENCE ROOM 113**

**Council Members Present:** Robin Eschliman, Chair; Doug Emery, Vice-Chair; Ken Svoboda, Dan Marvin, John Spatz (left at 11:55 a.m.), Jon Camp (left at 11:50 a.m.); **Absent:** Jonathan Cook

**Others Present:** Rick Hoppe, Mayor's Office; Deputy City Clerk Teresa Meier; John Hendry, City Attorney; Bruce Dart, Health Director; and Tammy Grammer, City Council Secretary

Ms. Eschliman opened the meeting at 11:03 a.m.

Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room.

**I. CITY CLERK -**

City Clerk Joan Ross stated on their Agenda today, Items 11 through 14 will be called together. *[#11, Application of JTK, LLC dba JTK Cuisine & Cocktails for a Class C liquor license at 201 N. 7th Street.; #12, Manager application of Jason T. Kuhr for JTK, LLC dba JK Cuisine & Cocktails at 201 N. 7th Street.; #13, Application of Kuhr Mohr LLC dba Main Street Café for a Class I and K Catering liquor license at 1325 O Street.; and #14, Manager application of Jason T. Kuhr for Kuhr LLC dba Main Street Café at 1325 O Street.]*

Items 15 & 16 will be called together. *[#15, Application of Metro Food Mart Inc. dba Leon's Food Mart for a Class C liquor license at 2200 Winthrop Road.; and #16, Manager application of Christopher I. Vorhies for Metro Food Mart Inc. dba Leon's Food Mart at 2200 Winthrop Road.]*

Item 23, they have a Motion-To-Amend #1 which is a substitute agreement. *[#23, 09R-51, Approving the Creekside Village Redevelopment Agreement between the City and Creekside Village, Ltd., relating to the redevelopment of property generally located on the west side of 10th and Military Road.]*

Item 32, they have a Motion-To-Amend #1. *[#32, 09-38, Authorizing the issuance of a tax allocation bond with a total not to exceed \$7.2 million for the City of Lincoln, Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Project.]*

Item 42, there was a request of the applicants to withdraw the change of zone. They will need a motion to withdraw this item. *[#42, 08-64, Change of Zone 08019 - Application of Robert and Victoria Rokeby for a change of zone from R-3 Residential District to H-3 Highway Commercial District on property generally located at N. 35th Street and Superior Street.]*

Rick Hoppe stated for Item 19 they have a Motion-To-Amend #1. The reason for the request is to allow Public Works & Utilities to work out further details prior to commencement of University of Nebraska football season. Mr. Hoppe commented he can explain this at the dias today, he just wanted to make sure they were all aware of it. *[See Attachment 'A'] [#19, 09-45, Amending Chapter 14.32 of the Lincoln Municipal Code relating to Special Events by amending Section 14.32.020 to revise the definition of special event to provide that the definition not be limited to uses currently set forth in that section; amending Section 14.32.070 to expand the public space in which no special permit shall be issued beginning at 12:30 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m. the following day; and repealing Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code as hitherto existing.]*

## **II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -**

### **PRESENTATIONS: -**

John Hendry, City Attorney gave a presentation on the City Law Department's objectives for 2009-2010. *[See Attachments 'B' & 'C']*

Bruce Dart, Health Director gave a presentation on the Health Department's objectives for 2009-2010. *[See Attachment 'D']*

### **MAYOR -**

1. NEWS RELEASE - RE: Larry the Cable Guy (Dan Whitney) will perform in Memorial Stadium on July 4<sup>th</sup> as a thank you to Husker Fans. - NO COMMENTS
2. NEWS RELEASE - RE: Winners Announced for Mayor's Arts Awards. - NO COMMENTS
3. Washington Report - April 3, 2009. - NO COMMENTS

### **DIRECTORS -**

Fred Hoke (Building & Safety Director) stated for Item 36 they have a request to delay for two weeks. To work with REOMA and come up with some type of a compromise that gets them the revenues that they need for the next year. He thinks what they presented to them was an opportunity to look at a three year period and they're willing to just go with a year. There was discussion on Item 36. *[#36, 09-39, Amending Section 5.38.050 of the Lincoln Municipal Code to increase permit fees for motels, hotels, rooming, lodging, and apartment houses, and repealing Section 5.38.050 as hitherto existing.]*

### **HEALTH -**

1. NEWS RELEASE - RE: 2009 Household Hazardous Waste Collections Begin April 18. - NO COMMENTS

2. NEWS RELEASE - RE: Help Keep Lincoln & Lancaster County Clean - Cleanup mini-grants available. - NO COMMENTS

**PLANNING COMMISSION ACTION -**

1. Action by the Planning Commission on April 8, 2009. - NO COMMENTS

**PLANNING COMMISSION FINAL ACTION .....**

1. Special Permit #09004 (Off-sale alcohol -108 "O" Street) - Resolution No. PC-01162. - NO COMMENTS
2. Use Permit #09001 (North 90<sup>th</sup> and "O" Streets) - Resolution No. PC-01161. - NO COMMENTS
3. Special Permit #08004A (Continuation and expansion of soil excavation - N. 40<sup>th</sup> Street & Waverly Road) - Resolution No. PC-01163. - NO COMMENTS

**III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS -**

**JON CAMP** - Absent

1. E-Mail from Robert Younger and response from Jon Camp - RE: Graffiti with suggestions how to reduce damages. - NO COMMENTS

**JONATHAN COOK** - Absent

**DOUG EMERY** - No Comments

**ROBIN ESCHLIMAN** - No Comments

1. Request to Fred Hoke, Building & Safety Director - RE: Assist the neighborhoods with problems such as graffiti, snow removal, etc. (RFI#20 - 04/09/09). - NO COMMENTS

**DAN MARVIN** - No Comments

**JOHN SPATZ** - Absent

**KEN SVOBODA** - No Comments

#### **IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL -**

1. E-Mail from Jennifer French - RE: Grew up close to South Branch Library and used frequently. Closing the Library now would be a giant loss for children in the area. - NO COMMENTS
2. E-Mail from Mike & Ann Schlick - RE: While attending FFA event at Pershing, three vans towed costing \$100 per van. Does Lincoln want to host events? Maybe events should be held in central Nebraska if this is the way Lincoln treats people who attend. - NO COMMENTS
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7. Statement from Wendy Birdsall, President, Lincoln Chamber of Commerce - RE: NSAA Volleyball Decision Disappointing. - NO COMMENTS
8. E-Mail from Terry Kreifels, President, Action Plumbing and Heating, Inc. - RE: Consider approving the proposed plumbing permit fee increase to allow the plumbing inspection department to be properly funded. - NO COMMENTS
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11. Letter from Wade Misko - RE: Keep the South Branch Library open. Lincoln seems to have budgets, which will likely balloon, for projects still in the blueprint stage but not for an existing entity with budget needs clearly defined. - NO COMMENTS

12. Resolution of Cotner Center Condominium Association of Co-Owners, Inc. with Signatures - RE: Acting upon the wishes and behalf of all Cotner Center Condominium residents request Lincoln allow of allotment of monies to keep the Bethany Library open now and into the foreseeable future. - NO COMMENTS
13. E-Mail from Janelle Hotovy - RE: How sad the Mayor has chosen not to celebrate the 4<sup>th</sup> of July on the 4<sup>th</sup>. The family fun is at Oak Lake. - NO COMMENTS
14. E-Mail from Kelsi Gunderson - RE: Appalled the City would change the July 4<sup>th</sup> day-long celebration for a non-family friendly comedian to use Memorial Stadium. - NO COMMENTS

### **ADDENDUM - (April 13<sup>th</sup>)**

#### **I. CITY CLERK - None**

#### **II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS TO COUNCIL -**

##### **MAYOR -**

1. NEWS ADVISORY - RE: Mayor Beutler, Fire Chief Ford and representatives of the Lincoln Firefighters Union News Conference on 04/13/09 at 10:00 a.m. will sign a drug testing agreement (Forward to Council on 04/10/09). - NO COMMENTS
2. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule Week of April 11 through April 17, 2009 - Schedule subject to change (Forward to Council on 04/10/09). - NO COMMENTS
3. NEWS RELEASE - RE: Lincoln Is One Of A Kind Tree City USA - City is only one in nation to hold all Tree City USA designations. - NO COMMENTS

##### **DIRECTORS - None**

#### **III. COUNCIL RFI'S & CITIZENS CORRESPONDENCE TO INDIVIDUAL COUNCIL MEMBERS - None**

#### **IV. CORRESPONDENCE FROM CITIZENS TO COUNCIL -**

1. E-Mail from Dorothy Cychosz, Claims Representative - RE: Claim by Robert Welch due to an accident that occurred on May 12, 2007. - NO COMMENTS

[End of Addendum]

#### **V. MEETING ADJOURNED - Approximately at 12:08 p.m.**

dm041309/tjg

09-45

**MOTION TO AMEND NO. 1**

I hereby move to amend Bill No. 09-45 in the following manner:

1. On page 1, lines 3 through 7, after the semicolon on line 3, delete the existing language and insert in lieu thereof the following:

and repealing Section 14.32.020 of the Lincoln Municipal Code as hitherto existing.

2. Delete Section 2 of Bill No. 09-45 in its entirety, from page 3, line 6 through page 5, line 20.

3. On page 5, lines 21 and 22, delete the existing language and insert in lieu thereof the following:

Section 2. That Section 14.32.020 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

4. On page 6, line 1, renumber Section 4 as Section 3.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Requested by: Mayor's Office

Reason for Request: To allow Public Works and Utilities to work out further details prior to commencement of University of Nebraska football season.

Reflects motion  
to amend no. 1

09-45

Introduce: 4-6-09

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE amending Chapter 14.32 of the Lincoln Municipal Code relating to Special Events by amending Section 14.32.020 to revise the definition of special event to provide that the definition not be limited to uses currently set forth in that section; ~~amending Section 14.32.070 to expand the public space in which no special permit shall be issued beginning at 12:30 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m. the following day; and repealing Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code~~ as hitherto existing.

replace

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 14.32.020 of the Lincoln Municipal Code be amended to read as follows:

**14.32.020 Special Event Defined.**

(a) Special event shall mean a temporary and exclusive use by any person of public space located within a district zoned for commercial, business, or industrial uses involving any of the following, including but not limited to:

- (1) Amusement devices;
- (2) Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games, and the like;
- (3) Commercial advertising;
- (4) Pyrotechnic displays of any kind;

- 1           (5)    Inflatable devices in excess of four feet in diameter, including any hot air  
2 balloons or any other inflatable object;
- 3           (6)    Live animals, except for animals aiding persons with disabilities;
- 4           (7)    Noise disturbances as defined and regulated under Chapter 8.24 of this code,  
5 including activities for which a variance has been granted under § 8.24.150;
- 6           (8)    Powered equipment requiring connection to public power supplies or separate  
7 generator or power supply equipment, including:
- 8                   (i)    heating, cooling, refrigerating, or cooking devices; or  
9                   (ii)   sound amplification, public address, loud speaker, audio, video, or  
10                           television systems;
- 11          (9)    Racing or athletic competitions and uses, including any motor vehicle racing  
12 or running, marathons, cross country, bicycle, moped, skateboards, roller-skates, or any other contest  
13 or exhibition that is competitively timed, or speed related;
- 14          (10)   Sales of alcoholic beverages, including any activity requiring a special  
15 designated permit or other permit under the Nebraska Liquor Control Act;
- 16          (11)   Sales of goods and merchandise, including food, clothing, supplies,  
17 equipment, concessions, souvenirs, balloons, candy, jewelry, and any other similar items offered for  
18 sale;
- 19          (12)   Commercial signs, including signs permitted in § 14.32.140;
- 20          (13)   Spotlights, including any displays involving any laser or other concentrated  
21 beam of light; or

1 (14) Structures, including stages, booths, canopies, awnings, risers, bleachers,  
2 fences, partitions, stands, or similar constructions.

3 (b) Special event shall not include (i) the use of public space by governmental agencies  
4 acting within the scope of their authority, or (ii) authorized uses in the public space permitted by  
5 other chapters of this title.

6 Section 2. That Section 14.32.070 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **14.32.070 Application; Review; Requirements.**

9 (a) Upon receipt of an application, the City Clerk shall forward the same to the Mayor  
10 for review. No permit shall be issued if the Mayor finds that the proposed special event:

- 11 (1) Will cause unreasonable injury or damage to the public space requested;
- 12 (2) Conflicts with a prior permit, or a prior application that is likely to be granted,  
13 for the same public space and for the same time;
- 14 (3) Will continue for a duration longer than seven days, including any set-up or  
15 tear-down time;
- 16 (4) Will involve such a number of persons or activities as will exceed the  
17 reasonable capacity of the public space requested;
- 18 (5) Will interfere with the provision of proper fire and police protection to the  
19 area adjacent to the public space requested;
- 20 (6) Will adversely affect adjacent or neighboring properties by causing excessive  
21 noise or creating a nuisance;

1 (7) Will unreasonably interfere with the safe, orderly, and expeditious movement  
2 of vehicular or pedestrian traffic;

3 (8) Will be conducted primarily for the purpose of monetary gain or commercial  
4 advertisement;

5 (9) Will fail to comply in any respect with the provisions of this chapter or any  
6 other applicable law.

7 (b) No permit shall be issued to any applicant that has unpaid or past due fees under this  
8 chapter for any prior special event.

9 (c) No permit shall be issued for any special event to be held during the following time  
10 periods and locations:

11 (1) Between the hours of 12:30 a.m. and 6:30 a.m. on any day. The reasonable  
12 and necessary time for set-up, tear-down, and preparation activities related to a special event may  
13 be excepted from the strict application of this subsection.

14 (2) Beginning at 12:30 a.m. the day of any University of Nebraska home football  
15 game and continuing through 6:30 a.m. the following day within any public space as follows:

16 (i) Within the area from the west line of 8th ~~7th~~ Street to the east line of  
17 17th Street and from the south line of K Street to the north line of R T Street; or

18 (ii) Upon Avery Avenue; Charleston Street; State Fair Park Drive; New  
19 Hampshire from the west line of 10th Street to the east line of 14th Street; First Street from the south  
20 line of Charleston to the north line of Superior; Military Avenue; P Street from the west line of 17th  
21 Street to the east line of 27th Street; Cotner Boulevard from the north line of Vine Street to the south  
22 line of O Street; or

1 (iii) Upon the following arterial streets as designated in Chapter 10.26:

2 Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Twenty-first, Twenty-  
3 seventh, Thirty-third, Forty-eighth, K, L, O, Q, R, T, U, X, Y, Nebraska Highway, Sun Valley  
4 Boulevard, Capitol Parkway, Cornhusker Highway, Holdrege, Normal Boulevard, Superior, South,  
5 Van Dorn, Vine, West By-Pass, Salt Creek Roadway, Antelope Valley Parkway, Rosa Parks Drive,  
6 NW 12th and NW 48th.

7 (d) No permit shall be issued for any special event to be held on any arterial street  
8 between the hours of 7:00 a.m. and 9:00 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:30 p.m. to 6:30 p.m.,  
9 Monday through Friday, without provision being made for an adequate number of police officers  
10 to provide for the safe, orderly, and expeditious movement of vehicular and pedestrian traffic.

11 (e) If the permittee fails to provide necessary services and equipment reasonably required  
12 for the special event, the City may provide or arrange for the same and, where allowed under this  
13 chapter, charge the permittee for any costs related thereto as part of the fees.

14 (f) In determining whether an application should be approved, the Mayor may consider:

15 (1) Whether, in holding any previous special events, the applicant has conformed  
16 to all permit requirements and the provisions of this chapter;

17 (2) The financial and practical ability of the applicant to conduct the proposed  
18 special event in conformance with the provisions of the permit and this chapter.

19 (g) No permit shall be issued for a special permit within three days (excluding Saturdays,  
20 Sundays, and City-observed holidays) after the application was filed with the City Clerk.

21 Section <sup>2</sup> ~~3~~ That Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code  
22 as hitherto existing be and the same are hereby repealed. *d replace*

1                   Section 3. That this ordinance shall take effect and be in force from and after its  
2    passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
3    City according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2009:  
\_\_\_\_\_  
Mayor

**City Law Department  
Objectives 2009-10**

04/13/2009

**1. Are there interpretations of law (federal regulations, state statute, City Charter provisions or ordinances, Mayor's executive orders, or the department's published administrative procedures) that impact the provision of your Department's services and that need further clarification and/or review?**

The manner in which the City currently stores electronic information presents a challenge for searching and producing information for the following situations:

1. Federal and State Courts as it relates to Threatened and Pending Litigation
2. Maintenance and Storage of Public Records as it relates to record compliance and public record requests

The City of Lincoln is particularly susceptible to the need to produce "electronically stored information."

- The City maintains a large repository of electronic data
- The defense of the City in litigation often hinges on our ability to timely and accurately secure "electronically stored information."
- The City is the recipient of voluminous public record requests often involving "electronically stored information."
- The City relies heavily on electronic records, particularly e-mail, to carry out City business

**2. What should be changed or modified in your Department to better provide current services and which do not require additional financial resources?**

- Although not precisely a change or modification, the City Law Department will be in a more favorable position to provide required legal services if the current 16.0 FTE staffing level authorized in the FY 08/09 budget is maintained.
- Evaluation and reassignment of attorney staff to maximize efficiencies and use of resources is ongoing.

**3. What should be changed or modified in your Department to better provide current services and which do require additional financial resources?**

Areas that would require additional financial resources, but would add considerable return on investment would be the following:

- Mandatory Continuing Legal Education which becomes effective January 1, 2010.
- Adding a part-time staff attorney primarily assigned to research. In the alternative, provide funding for law clerk or paralegal support in the Civil Division. As a means of comparison, the County Attorney has 11 paralegals and 6 law clerks to support their 32 attorneys and the Public Defender has 5 paralegals and 4 law clerks to support their 19 attorneys. The City Law Department has 15 attorneys. These 6 attorneys in Prosecution are supported by one paralegal. **There are no law clerks or paralegals supporting the 10 attorneys in the Civil Division.**
- Acquiring additional equipment and/or updating existing equipment:
  - Speakerphones - Of the 16 attorneys, only 3 phones have speaker capability.
  - Video-conferencing capabilities through computers. This would enable Law to attend some meetings without having to travel to outside locations, assuming, of course, the other location has similar capabilities.

**4. If you had to discontinue at least one current program or service, what would it be and for what reason?**

All four of our program listings are mandated by City Charter, Lincoln Municipal Code, and Nebraska State Statute.

However, we would have the following recommendation:

- Consider discontinuing the practice of providing hard copy of weekly Council packets. The preference would be to provide all documentation on-line unless a particular Council person, Mayoral aide, etc. desire a hard copy.

**5. What new services do you think your department should provide and for what reason?**

Several areas could be enhanced which would result in minimizing legal and financial liability for the City, assuming adequate staffing is available.

- Training of new members of the City Council, directors, and key department personnel regarding City Charter, City Code, state statute requirements, e.g. Dale Comer's presentation on public records.

**6. With respect to any of the above questions, have you explored, or has your staff explored best management practices elsewhere in the country?**

There has been only informal review by virtue of researching the Internet as well as membership to two electronic ListServes - Nebraska Association of Trial Attorneys (NATA) and the International Municipal Lawyer's Association (IMLA). The lack of funding for conferences has made it difficult to network and stay abreast of what other governmental in-house legal counsel are utilizing in the area of best management practices.

**7. With respect to responses provided in 1 through 3 and 5 above, what do you want to accomplish in budget year 2009-2010 (list in priority order with number 1 being the highest priority)? Please consider the Citywide outcomes and goals in your response.**

All four of the program listings for the City Law Department are given equal priority as they are all mandated by law. Our program listings are in the following City-Wide Outcome categories.

#7: Accountable Government

Priority Goal #5 - Protect City Interests

Civil Litigation	Tier 1
Legislation	Tier 1
Legal Services	Tier 1

#1: Safety and Security

Priority Goal #1 - Low Crime Rate

Prosecution	Tier 1
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Additionally, our program listings impact all of the other city-wide outcomes at some point or another.

Overall, the City Law Department's primary goals will be maintaining the additional FTE attorney in the FY 09/10 budget which will greatly assist us in improving service levels and turnaround time. We would also like an increase in funding to support continuing legal education. Not only is this now mandated by the Supreme Court effective January, 2010, it will enhance the quality of our level of legal services and to maintain licenses to practice law.

**8. How can other departments contribute to the goals you have prioritized in number 7 above?**

Departments could take the following into consideration in an effort to streamline and improve the provision of legal services to the City of Lincoln.

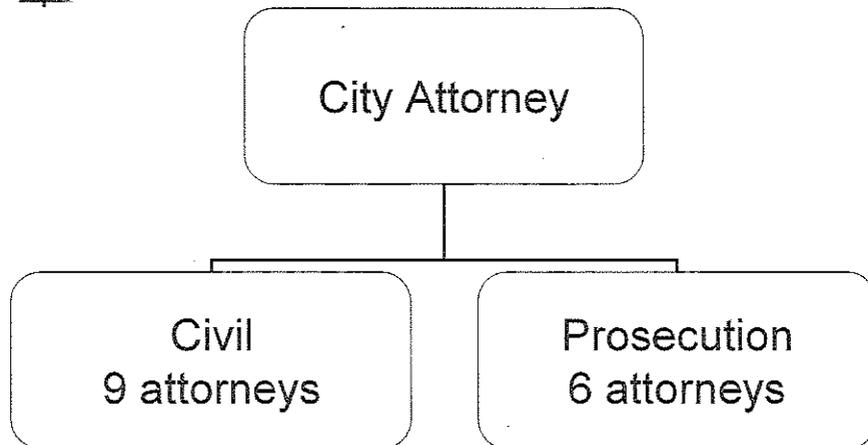
- Involve the Law Department early to minimize "damage control", protracted settlement negotiations, or costly litigation
- Provide detailed information to Law Department when making request for legal services, i.e. background information, documents, photographs, investigation reports, key city personnel involved, other key contacts, chronology of events leading up to the situation, deadlines, legal descriptions, etc.
- Meetings
  - Prepare meeting agendas so legal issues are discussed at the beginning of meetings to reduce the need for attorneys to stay for an entire meeting.
  - Notify Law Department ahead of meeting if there are no legal issues to be discussed so attorneys can prioritize their time accordingly.

## City Attorney's Office Mission Statement

The City Law Department is an in-house professional provider of legal services to best protect the interests of the taxpayer and "shall serve all departments of City government and . . . shall be the legal advisor to the Mayor, the City Council, and City officers."

See, Lincoln City Charter Art. IV §15.

## Current Attorney Staffing





**City-Wide Outcomes**  
**Law Dept. Program Listings**

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**Accountable Government**

- **Civil Litigation (Tier 1)**
- **Legislation (Tier 1)**
- **Legal Services (Tier 1)**
- **Safety and Security**
  - **Prosecution (Tier 1)**



**Civil Litigation Responsibilities**

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- **Federal Court trials and hearings**
- **State Court trials and hearings**
- **Administrative Hearings**
  - **Personnel Board, Building & Safety Board of Appeals, Board of Zoning Appeals, Taxicab Review, Board of Appraisers, Dept. of Water Resources**
- **Review and Process Tort Claims – 240 ave. last 5 years**
- **Enforcement of contracts entered into by the City**
- **Defend the City in NEOC/EEOC**



## **Legislative Responsibilities**

### **Civil and Prosecution Divisions**

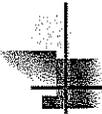
- **Draft all proposed city ordinances and resolutions**
- **Revise, update, and maintain the Lincoln Municipal Code**
- **Monitor State legislation for impact on City operations**
- **Monitor Federal regulations for impact on City government**



## **Legal Services Responsibilities**

### **Civil and Prosecution Divisions**

- **Provide oral and written opinions to Mayor, City Council, and departments**
- **Represent Boards, Commissions, Advisory Boards**
  - **Planning Com., Personnel Bd., Public Bldg. Com., Charter Rev. Com., Health Bd., Library Bd., Human Rights Com., Cable Advisory Bd., Citizens Police Adv. Bd., Audit Bd., JAVA**
- **Draft and Review City Documents requiring legal analysis**
- **Negotiate projects affecting the City**
  - **Redevelopment Agreements, e.g. Assurity**
- **Participatory members on various projects and task forces; e.g. Impact Fee Task Force, Problem Resolution Team, Justice Council, and various State Water Committees**
- **Provide in-house training to City departments**
  - **Training of Lincoln Police Officers**



## **Prosecutorial Responsibilities**

- **Review all tickets referred**
  - 72,000 charges reviewed in 2008
- **Review all code referrals**
- **Represent City's interest in County and Juvenile Courts**
- **Meet and Discuss Cases with all involved in incident**
  - 80 walk-ins, 120 phone calls daily
- **Handle non-moving violations administered by the Violations Bureau**
- **Handle Appeals**
  - District Court
  - Appellate Courts



### **1. Interpretations of law that impact the provision of Law Department's services that need further clarification and review**

**The manner in which the City currently stores electronic information presents a challenge for searching and producing information**

- **Federal and State Courts as it relates to Threatened and Pending Litigation**
- **Maintenance and Storage of Public Records as it relates to record compliance and public record requests**



**The City of Lincoln is particularly susceptible to the need to produce "electronically stored information."**

- **The City maintains a large repository of electronic data**
- **The defense of the City in litigation often hinges on our ability to timely and accurately secure information**



**2. What should be changed or modified in your Department to better provide current services and does not require additional financial resources?**

- **Although not precisely a change or modification, the City Law Department will be in a more favorable position to provide required legal services if the current 16.0 FTE staffing level authorized in the FY 08/09 budget is maintained.**
- **Evaluation and reassignment of attorney staff to maximize efficiencies and use of resources is ongoing.**

**3. What should be changed or modified in your Department to better provide current services and do require additional financial resources?**

- **Mandatory CLE which becomes effective January 1, 2010.**
- **Adding a part-time staff attorney primarily assigned to research. In the alternative, provide funding for law clerk or paralegal staff in the Civil Division.**
  - **County Attorney**
    - 11 paralegals, 6 law clerks, 32 attorney
  - **Public Defender**
    - 5 paralegals, 4 law clerks, 19 attorneys
  - **City Law**
    - Civil – 0 paralegals, 0 law clerks, 9 attorneys
    - Prosecution – 1 paralegal, 0 law clerks, 6 attorneys
- **Acquiring additional equipment and/or updating existing equipment**
  - **Speakerphones – Of the 16 attorneys, only 3 phones have speaker capability**

**4. If you had to discontinue at least one current program or service, what would it be and for what reason?**

- **All four of our program listings are mandated by City Charter, Lincoln Municipal Code, Nebraska State Statute.**
- **However, we would have the following recommendation**
  - **Consider discontinuing the practice of providing hard copy of weekly Council packets. The preference would be to provide all documentation on-line unless a particular Council person, Mayoral aide, etc. desire a hard copy.**

**5. What new services do you think your department should provide and for what reason?**

**Assuming Adequate Staffing**

- **Training of new members of the City Council, directors and key department personnel regarding City Charter, City Code, and state statute requirements**
  - e.g. Dale Comer's presentation on public records

**6. With respect to any of the above questions, have you explored, or has your staff explored best management practices elsewhere in the country?**

- **Informal review by searching the Internet**
- **Membership to Two ListSers**
  - Nebraska Association of Trial Attorneys
  - International Municipal Lawyer's Association
- **Lack of funding for conferences and training has made it difficult to network and keep abreast of what other government in-house legal counsel are utilizing**



**7. What do you want to accomplish in Budget year 2009-2010?**

- **All four of the program listings for the City Law Department are given EQUAL priority as they are mandated by law.**
- **Law Department's primary goals**
  - **Maintaining the additional FTE in the FY 09/10 budget will greatly assist in improving service levels and turnaround time**
  - **Pursuing continuing legal education to further enhance the quality of our level of legal services and to maintain licenses to practice law.**



**8. How can other departments contribute to the goals you have prioritized in Question 7?**

- **Involve Law Department early to minimize "damage control", protracted settlement negotiations, or costly litigation**
- **Provide detailed information when making a request for legal services**
  - **Background information**
  - **Documents, photographs**
  - **Investigation reports**
  - **Key city personnel involved**
  - **Other key contacts**
  - **Chronology of events**
  - **Deadlines**
- **Meetings**
  - **Prepare meeting agendas so legal issues are discussed at the beginning of meetings to reduce the need for attorneys to stay for an entire meeting**
  - **Notify Law Department ahead of the meeting if there are not any legal issues to be discussed so attorneys can prioritize their time**

**Mayor's Budget Objectives - 2009/2010**

**1. Interpretations of law that need further clarification or review.**

- Nebraska State Statute requires local health departments to provide the core functions of public health and the 10 essential services
- § 71-1626 (core functions)
- § 71-1628.04 (essential services)
- LLCHD provides both the core functions and 10 essential services

**2. What should be changed or modified in your Department to better provide current services and which do not require additional financial resources?**

Implementation of electronic medical record (EMR) system.  
 Direct care services for at-risk populations  
 Expand our concept of services delivered in group settings, as opposed to individual by individuals, **Treatment to Costly**  
 Re-organization/Re-classification of existing personnel to cover staff vacancies.  
 Cross training in our customer service check in area—increased efficiencies in Peak Demand Times  
 Implement electronic billing, revenue tracking and reconciliation from Dentrix, Permits Plus, Animal Control and EHS to the City's financial system

**3. What should be changed or modified in your Department to better provide current services and which do require additional financial resources?**

An increase in case finding activities to decrease barriers to health services.  
 An automated license enforcement system.  
 Increase prevention activities, far less costly than treatment  
 (Dentrix) is the use of digital radiography.  
 Develop Permits Plus applications for all EPH programs create data reports in Crystal Reports, and utilize other technologies in the field (tablet inspections, etc.).

**4. If you had to discontinue at least one current program or service, what would it be and for what reason?**

Homeless Health Screening & Outreach Program.  
 Education Officer in Animal Control  
 Dental screenings/outreach for adults in the community  
 GIS position, train other staff to assist  
 Small Family Child Care (Child Care Connections)

**5. What new services do you think your department should provide and for what reason?**

Expand MCH Services to increase services to higher risk populations  
Automated license enforcement program  
Increased need for education, environment change, and policy change to improve health behaviors, especially increased physical activity and healthy eating.  
On-line program services with application for eligibility of clients to stream line the process and minimize the need for client inquiries.  
On-line applications, forms etc.  
Implement online data query systems for data that local citizens can find without an ad hoc request.

**6. With respect to any of the above questions have you explored, or has your staff explored best management practices elsewhere in the country?**

Yes. Staff consistently utilizes best practices and evidence-based programs from a variety of national sources

**7. With respect to responses provided in 1 through 3 and 5 above, what do you want to accomplish in budget year 2009-2010 (list in priority order with number 1 being the highest priority)? Please consider the Citywide outcomes and goals in your response.**

EMR implementation  
Improve the community safety net  
Expand case finding for the poor and uninsured  
Increase customer use of on-line services, particularly license application/sales.  
Provide a more comprehensive approach to increasing physical activity.  
Move the costs of our Haz-Mat Emergency Response program from General Fund to the Waste Hauler Occupation Tax  
Improved data collection among community providers serving at risk populations  
Implement online food handler training.  
Disease monitoring and surveillance and investigations  
Planning and preparing for public health emergencies  
Finalize and implement 3 year organizational strategic mapping plan

**8. How can other departments contribute to the goals you have prioritized in number 7 above?**

- 1) Lincoln Area Agency on Aging
- 2) Finance Department.
- 3) Lincoln City Libraries.
- 4) Lincoln Police Department.
- 5) Lincoln Fire and Rescue.
- 6) Parks and Recreation
- 7) City Law Dept