

**MINUTES
CITY-COUNTY COMMON MEETING
COUNTY-CITY BUILDING, ROOM 113
MONDAY, JUNE 27, 2016
12:45 P.M.**

Present: City Council Member Trent Fellers, Chair; County Commissioner Bill Avery, Vice Chair; Roma Amundson, Todd Wiltgen, Deb Schorr and Larry Hudkins, County Commissioners; Carl Eskridge, Cyndi Lamm, Jane Raybould and Jon Camp, City Council Members; Mayor Chris Beutler

Absent: Roy Christensen and Leirion Gaylor Baird, City Council Members

Others Present: Tory Carkoski, Lancaster County Clerk's Office

Advance public notice of the City-County Common Meeting was posted on the County-City Building bulletin board and on the Lincoln and Lancaster County, Nebraska, web sites.

The Chair noted the location of the Open Meetings Act and opened the meeting at 12:45 p.m.

Per direction of the Chair, roll call attendance was taken.

AGENDA ITEM

1. APPROVAL OF COMMON MEETING MINUTES OF FEBRUARY 9, 2016

MOTION: Hudkins moved and Wiltgen seconded approval of the February 9, 2016 minutes. Amundson, Avery, Wiltgen, Schorr, Eskridge, Lamm, Fellers, Hudkins, Camp, Raybould and Beutler voted aye. Christensen and Gaylor Baird were absent from voting. Motion carried 11-0.

2. JUVENILE COURT FUNCTIONS UNDER THE COUNTY ATTORNEY- Joe Kelly, Lancaster County Attorney; Alicia Henderson, Chief Deputy County Attorney, Juvenile Division

Joe Kelly, County Attorney, gave a brief overview of the City/County Consolidation Task Force Report from December, 2013. The Task Force's recommendation was that all City Attorney's juvenile functions be moved to the County Attorney's Office. The Task Force felt the consolidation would improve the efficiency of the Juvenile Court operations and was in the best interest of the children of Lancaster County. The Task Force also recommended the County Attorney and the City Attorney share in the costs. It was noted the Juvenile Court Judges are supportive of the merger because it would create more efficiencies in the system.

Kelly explained all felonies are prosecuted by the County Attorney's office regardless if the Lincoln Police Department (LPD), Lancaster County Sheriff's Office (LSO), or University of Nebraska-Lincoln (UNL) Campus Security responded to the incident. He said all offenders 15 years of age or younger are prosecuted by the County. Misdemeanors committed by 16 to 17 year-olds are prosecuted by the City. Vandalism is prosecuted on the City side and criminal mischief by the County. Kelly said the County attempts to get all juvenile cases into some type of diversion

program to keep them out of Juvenile Court. He noted that the two offices doing the same function of law violations is a vestige of the pre-1980's merger when Municipal Courts were merged into the County Attorney's office. Prior to that, the City Attorney was in charge of the Municipal Courts doing what the Juvenile Court is currently doing. Kelly said 3a (abuse and neglect) filings and termination of parental rights are the most labor intensive endeavor that they have in Juvenile Court. He said 3b (ungovernable) filings also take considerable time and involve the schools. **NOTE:** There are six Truancy Courts operating within Lincoln Public School (LPS), three in high schools and three in middle schools. Kelly gave an overview of caseloads for the years 2010 through May 31, 2016 (Exhibit A).

Alicia Henderson, Chief Deputy County Attorney Juvenile Division, noted at one time Judge Nuernberger was the only Juvenile Judge and then Judge Thorsen came in and said they handled only one child per family. If you were assigned a Juvenile Court Judge at anytime and returned to Juvenile Court, you would be assigned to the same judge. Henderson stated she would like to see one child, one prosecutor. She said the City Attorney may not have as much information or family dynamics history as the County Attorney's office does when prosecuting a law violation case. Frequently prosecutors from both offices are in Juvenile Court for the same youth handling separate charges which makes for a lot of duplication.

In the past the parents would be able to decide if they wanted a Public Defender for their child. Now all youth get an attorney that is paid for by Lancaster County. There are caseload maximums in place for the Public Defenders. The County also contracts with Legal Aid Nebraska and if their limits are exceeded, the cases are assigned to the private bar. It is difficult to project what legal expenses will be from year to year.

A program that has been in effect for some time is the School Multi-Agencies Response Teams (SMART) and Henderson meets with administrators and counselors in the high schools and many of the middle schools every month as part of that program. It was noted if a juvenile is being prosecuted by the City, that information would not be available.

Kelly said it was determined the County Attorney's Office would need one full-time Attorney and one full-time Legal Secretary II in order to accommodate the additional work. The cost to the County would be approximately \$150,000 annually.

Kelly said, until a few months ago, Cedars Youth Services provided juvenile diversion services (the City paid \$45,000 and the County paid \$145,000). The Juvenile Diversion Program is now administered by the County.

Raybould asked how cases were counted. Henderson said those numbers come from the Juvenile Court. Raybould also inquired if the County Attorney is overburdened with case loads like the Public Defender. Kelly said not in the Juvenile Division.

Raybould asked Jeff Kirkpatrick, City Attorney, if redirecting some of the cases to the County Attorney's Office would free up any of his attorneys' time so they could assist with case loads in other critical areas. Kirkpatrick said the Task Force thought one attorney position could be eliminated but said the Juvenile Division is a relatively small part of the case load. If all the juvenile cases were transferred, the savings would only be one-half of a full-time equivalent (FTE) position. He said he would retain all six prosecutors in his office even if the Juvenile functions were transferred.

Lamm asked Henderson if those City functions were transferred would it always be one prosecutor, per juvenile. Henderson said even if there was an open 3a case, they would handle the law violations and truancy cases, as long as it was ethical.

Camp asked why the City should want to spend \$145,000 in the County Attorney's office. Kelly responded this is strictly about improving the Juvenile Court system and said he is not portraying this as a cost savings.

Camp then asked if there would be savings on private attorneys' fees. Henderson said there may be cost savings because the County Attorney's Office would be making decisions how to file the cases in the most efficient manner.

Beutler asked Kirkpatrick if he thought this would be in the best interest of the children of Lancaster County. Kirkpatrick agreed it could improve efficiency.

Eskridge asked about the cost of the merger. Kelly said the Task Force recommended the cost be split between the County and City but said that decision will be left to the County Board and the City Council.

3. ADJOURNMENT

MOTION: Camp moved and Avery seconded to adjourn the meeting at 1:45 p.m. Amundson, Hudkins, Avery, Schorr, Wiltgen, Camp, Lamm, Raybould, Eskridge, Fellers and Beutler voted aye. Gaylor Baird and Christensen were absent. Motion carried 11-0.

Submitted by Tory Carkoski, County Clerk's Office



	Law Violations and Motions to Revoke Probation on Law Violation Filings by City Attorney in Juvenile Court	Law Violations and Motions to Revoke Probation on Law Violation Filings by County Attorney in Juvenile Court
2016 (through May 31)	107	299
2015	328	709
2014	268	576
2013	313	736
2012	403	787
2011	486	864
2010	526	943

	Law Violations Referred to Juvenile Diversion by City Attorney	County Law Violations Referred to Juvenile Diversion by County Attorney
2015	281	377
2014	204	329
2013	244	386
2012	308	575

	Abuse/Neglect Filings by County Attorney in Juvenile Court (3a's)	Truancy and Ungovernable Filings by County Attorney in Juvenile Court (3b's)	Motions/Petitions Filed by County Attorney in Juvenile Court to Terminate Parental Rights
2016 (through May 31)	124	220	23
2015	283	307	91
2014	325	414	85
2013	405	540	120
2012	324	401	158
2011	351	478	88
2010	425	306	78