DIRECTORS' ORGANIZATIONAL MEETING

Monday, August 17, 2020
555 S. 10TH STREET
BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' Minutes from August 10, 2020

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

V. DIRECTORS CORRESPONDENCE

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

1. Public Health Update provided by Pat Lopez, Interim Director, Lincoln-Lancaster County Health Department

PLANNING DEPARTMENT

1. Transitional Living Facilities - Public Open House

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. BOH - Bowers (08.11.20)
2. PBC - Meginnis, Raybould (08.11.20)
3. Parks & Rec - Christensen (08.13.20)

VII. CONSTITUENT CORRESPONDENCE

1. 20R-246 Public Hearing Resolution - Pat Bracken and Geri Cotter
2. Special Permits - Mo Neal
3. Pat Lopez - Steve Hall
4. Taxes and Budget - Gary Nelson
5. Lopez letter of Support - Lincoln Chamber of Commerce
6. Letter of support for Pat Lopez - Christie Hinrichs, Tabitha President and CEO
7. Parking Issues - Levi Davis
8. Pat Lopez - Anissa Hoover
9. The Tyranny of the "Expert" - Robert J. Borer
10. Letter of support for Pat Lopez - Lancaster County Medical Society, Board of Directors

VIII. ADJOURNMENT

Angela M. Birkett

From: Geri K. Rorabaugh
Sent: Thursday, August 13, 2020 8:39 AM
To: WebForm
Cc: Council Packet; David R. Cary; Steve S. Henrichsen; Rachel K. Jones; Rhonda M. Haas; Brenda J. Thomas
Subject: Transitional Living Facilities - Public Open House on August 25, 2020

To Lincoln City Council, Lincoln-Lancaster County Planning Commission, Neighborhood Representatives, Developers, and Interested Persons:

The Lincoln Planning Department requests input from the public on an upcoming text amendment to the City of Lincoln Zoning Ordinance regulations for alternative to imprisonment facilities, which are proposed to be renamed as transitional living facilities.

These facilities provide transitional housing to help individuals integrate into the community including those released from prison. They house persons on pre-release, work-release, probationary, and similar programs. The text amendment would modify the zoning approval process for transitional living facilities and add conditions of approval for them. The Planning Commission hearing will take place on September 30th.

Visit the website to view the discussion draft, draft zoning changes, public hearing schedule, and submit comments: lincoln.ne.gov/city/plan/dev/transitional/index.htm *OR* lincoln.ne.gov (keyword: transitional living)

Open House: Tuesday, August 25th from 6:00 pm to 7:30 pm. A public open house meeting will be held to review the discussion draft, answer questions, and receive feedback. The open house will begin with a presentation by staff at 6:00 followed by time for questions:

- Attend by videoconference or in-person.
- Videoconference attendees must register with the Planning Department by noon on August 25th. To register, email Rachel Jones at rjones@lincoln.ne.gov
- Location: City Council Chambers, Room 112 on the first floor of the City-County Building, 555 S. 10th Street, Lincoln, NE 68508.

Questions can be directed to Rachel Jones at rjones@lincoln.ne.gov or (402) 441-7603.

Geri Rorabaugh
Administrative Officer
Lincoln-Lancaster County Planning Department
402 441-6365

Angela M. Birkett

From: Pat - Geri <pat-geri@neb.rr.com>
Sent: Monday, August 10, 2020 11:58 AM
To: Council Packet
Subject: 20R - 246 Public Hearing Resolution

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

Dear Council Members

As residents of the Irvingdale neighborhood, we are opposed to the precedent that would be set by the approval of this Special Permit at this time. Compared to Omaha and other midwestern cities, we have concerns about Lincoln's lack of meaningful rules, regulations and oversight for such facilities that ensure both success of the AIFs and the compatibility with neighborhoods.

We urge the Council to hold off approval for a minimum of the 90 day moratorium approved by the Council to allow for further study of the concerns of neighborhoods and the potential impact to include, but not limited to, the density of AIFs within any neighborhood.

Thank you for your attention to this request.

Pat Bracken and Geri Cotter
2111 Sewell St.
Lincoln, NE 68502

Angela M. Birkett

From: Mo Neal <moneal@unl.edu>
Sent: Tuesday, August 11, 2020 4:23 PM
To: Council Packet
Subject: SPermits

[CAUTION] This email comes from a sender outside your organization.

Many thanks for your unanimous vote yesterday and the addition of 7 conditions to the permit granted to 420 S. 28th for an AIF.

I look forward to what amendments will be written to the Municipal Code now!

Now can you add something about distances from other like facilities?

Sincerely Thanks!
No Neal

Sent from my iPhone

Angela M. Birkett

From: Steve Hall <shallmrt@gmail.com>
Sent: Wednesday, August 12, 2020 8:00 AM
To: Council Packet
Subject: Pat Lopez

[CAUTION] This email comes from a sender outside your organization.

Hello,

My name is Steve Hall and I live in Roca. I'm writing to ask you not to confirm Pat Lopze who dosen't meet the requirements to fulfill this title. She has served in an illegal capacity and was complicit in perpetrating a fraud against the people of Lincoln.

Thank you

Steve Hall

Angela M. Birkett

From: Gary Nelson <gnelson156@outlook.com>
Sent: Wednesday, August 12, 2020 9:44 AM
To: Mayor; Council Packet
Subject: Taxes and budget

[CAUTION] This email comes from a sender outside your organization.

Dear Mayor Baird,and
At first upon hearing that the budget would be maintain with no property tax rate increase I was pleased. The last several days I've been looking into those numbers and what they really mean. Wow!

My attention has been re focused to the city budget do the 2 factors 1 being my canceling of the high school rodeo, 2nd the Cancelation of all call NE Husker sporting events. The largest figure I saw was 300,000,000 in lost income for the city of Lincoln! As a math major with an economics minor I was always told in college that Dollars brought to a community Turn over with in the community 6 times.If this is true that would be $1,800,000 that The city of Lincoln LPSDO and the county will not be able to tax to maintain current services.Today there was a recommendation to add to after school programs. I do agree with after school programs but where are these dollars going to come from when the city cannot collect sales tax on this catastrophic loss of dollars??????

My recommendation is that the city of Lincoln, Lincoln public schools, and the county of Lancaster Need to be looking at 10% cut in budgets not making misleading comments about no property tax increase! On the person side my home evaluation has increased $32000 in the Last 3 years! Like wise my Teacher retirement benefit went up $6 per month.Likewise the city increased the sewer rate the water rate the electrical rate I'm not sure what else the city has slowly increased over the last Several years.

Again my recommendation to the city council and to you personally Ms. mayor is To live with in a very prudent budget It is my feeling that the Economy is at a tipping point. And what will happen if the market has another Downturn as it did at the beginning of the corona virus.

Gary Nelson
531-220-9004

LINCOLN
CHAMBER OF
COMMERCE

August 12, 2020

The Honorable Leirion Gaylor Baird
Mayor, City of Lincoln
555 South 10th Street, #301
Lincoln, NE 68508

Dear Mayor Gaylor Baird,

The Lincoln Chamber of Commerce strongly supports the appointment of Patricia Lopez as the Director of the Lincoln-Lancaster County Health Department without reservation.

Serving as the interim director during the COVID-19 pandemic, Pat has been an invaluable partner for Lincoln's business community. The Chamber has worked closely with interim Director Lopez to educate Lincoln businesses about emerging public health challenges. We very much appreciate her guidance through the complexities of an illness we still do not fully understand.

We are hopeful the Lincoln-Lancaster Board of Health, Lancaster County Board and Lincoln City Council will affirm your appointment without delay and look forward to continuing to work with interim Director Lopez.

Sincerely,

Wendy Birdsall, CCE
President

cc: Lincoln-Lancaster County Board of Health
Lancaster County Board
Lincoln City Council

3 LANDMARK CENTRE | 1128 LIINCOLN MALL, SUITE 100 | LINCOLN, NEBRASKA 68508
P: 402.436.2350 | F: 402.436.2360 | WWW.LINCOLN.ORG

Your answer for Elder Care TABITHA

August 12, 2020

Mayor Leirion Gaylor Baird

Lancaster County Board members

Lincoln-Lancaster Board of Health members

Lincoln City Council members

Re: Pat Lopez letter of support

Dear Mayor Leirion Gaylor Baird, Lancaster County Board members, Lincoln-Lancaster Board of Health members and Lincoln City Council members,

As President and CEO of Tabitha, I wanted to reach out to you in a formal letter of support for Pat Lopez, City-County Health Director. As we understand it, Pat's position and authority have been legally challenged and a call for her removal from her position has been formally requested. It appears by all media coverage thus far that she has the full support of all of you and that her appointment through the formal channels will take place swiftly and we will be able to put this behind us.

If there is any question that Pat's leadership is exactly what we need, exactly when we need it, I want to go on record, on behalf of Tabitha and the Seniors we care for and about, expressing our full support for all that she has done so far and her official assignment as Director. Since the beginning of this pandemic, Pat has been available, responsive, proactive, collaborative, THE trusted voice. My colleagues and I in Senior Care consider her leadership and the decisions she and her team have made, to be the single most important and effective, in our success in keeping Seniors safe. I am sure you are aware that we receive daily (sometimes multiple times per day) recommendations, mandates, instruction from multiple national, state and local agencies, often conflicting one another. Pat has been the one to seek understanding, represent facts that are local and relevant and provide guidance based on sound science and data. She has not politicized this pandemic, not now, not ever. She has been a courageous, compelling, consistent and collaborative leader. We celebrate her on a daily basis. We are champions of Pat Lopez and want to urge your vote of support for her permanent and official assignment of Lincoln-Lancaster Public Health Director. Our slogan here…VOTE PAT! Thanks for listening and prayers for your discernment.

Sincerely,

Christie Hinrichs

Christie Hinrichs, Tabitha President and CEO

4720 RANDOLPH STREET, LINCOLN, NE 68510 | 402.486.8520 | 800.418.9335 | TABITHA.ORG

Angela M. Birkett

From: Levi Davis <tha2002game@gmail.com>
Sent: Wednesday, August 12, 2020 3:18 PM
To: Council Packet
Subject: parking issues

[CAUTION] This email comes from a sender outside your organization.

To whom it may concern,

I am writing this email today due to problems with street parking due to some landlords or property managers not providing adequate parking to all their tenants who may live on their property.

I am a homeowner that has been dealing with street parking issues since I have become a homeowner mostly due to tenants of rental properties not having adequate parking to the landlords or property managers not taking in to consideration how many tenants may be able to live on their property at one time. At my previous residence I had a rental house across the street from me that would have 7 to 8 different people with different cars living in it and it only had a 2 car driveway which seemed a little overboard with the tenant to parking ratio. At my current residence I live next to a rental apartment complex that also has garages on it and has some parking for each complex but still has 10 or more cars parked on both streets that they sit between which I feel is another overboard issue with tenant to parking ratio.

I feel that we need a new city law to go in to effect for landlords and property managers that will require them to supply adequate parking to accommodate the amount of tenants that can live on their property altogether so there can be less street parking issues with the current rental properties that do not have these accommodations for their tenants. I think this would aleve these issues for all homeowners who live around these particular properties as well since it makes them have to park further away from their house due to this issue frequently.

Thanks,
Levi Davis

Angela M. Birkett

From: Anissa Schroeder <nissa1122@yahoo.com>
Sent: Thursday, August 13, 2020 7:46 AM
To: Council Packet
Attachments: county attorney letter.jpg

[CAUTION] This email comes from a sender outside your organization.

The actions of both the mayor and Ms. Lopez are alarming (see attached). To my mind, there has been gross overreach on many levels. It is my hope that the Lincoln City Council does not approve the appointment of Ms. Lopez as health director.
Further, it is my hope you closely monitor the actions of the mayor. I'm not for people who usurp the process and take power because they feel like they know what's best. It's not difficult for local government to deteriorate quickly when power goes unchecked.

Thank you for taking the time to read and share my concerns with the broader council. And thank you for all of the good work you do.

Anissa Hoover
nissa1122@yahoo.com
402-440-4581

PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY
www.lancaster.ne.gov/attorney

August 11, 2020

Lancaster County Board of County Commissioners
555 S. 10th Street
Lincoln, NE 68508

RE: Quo warranto action

Dear Commissioners:

On Monday, August 10, 2020, my Office received a request to file a quo warranto action against Patricia D. Lopez, the health director of the Lincoln-Lancaster County Health Department. A quo warranto action is a legal proceeding to remove an individual who is holding a public office illegally. If a quo warranto action is successful, the individual holding the office is ousted and excluded from the public office. Pursuant to Neb. Rev. Stat. §25-21,122, the County Attorney is one party that is permitted to bring the action. Nebraska law is clear "*The mayor of the city shall appoint, with the approval of the board of health, city council, and the county board, the health director of the health department.*" Neb. Rev. Stat. §71-1630(4)(d). As of the signing of this letter, it does not appear the City of Lincoln's Mayor Leirion Gaylor Baird has taken proper steps to have Ms. Lopez approved by the board of health, city council and county board.

As early as March 1, 2019, my Office communicated with the City Law Department and requested Ms. Lopez be properly approved as health director by the board of health, city council and county board. However, instead of having Ms. Lopez approved in accordance with Nebraska law, the City of Lincoln entered into a consulting agreement with Ms. Lopez on May 21, 2019. This agreement has since been extended through the end of 2020. The effect of the agreement was to appoint Ms. Lopez as health director while simultaneously avoiding the approval requirement set forth in statute.

Therefore, based on the length of time Ms. Lopez has been holding the office of health director by a "consulting agreement", the continued failure to have Ms. Lopez approved as required by Nebraska law, and because Ms. Lopez' recent actions toward business owners may result in Lancaster County citizens facing injunctions, civil proceedings or even being arrested and charged with a crime, I believe it is my statutory duty to prepare a quo warranto Information seeking her ouster and exclusion from the public office of health director.

Sincerely,

Patrick F. Condon
Lancaster County Attorney

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Thursday, August 13, 2020 9:03 AM
To: Council Packet
Subject: The Tyranny of the "Expert"

[CAUTION] This email comes from a sender outside your organization.

Council Members-

Please be advised that you have handed us over, and indefinitely so, to the tyranny of the "expert." By suspending the rules and rushing things through, you have also denied the citizens you allegedly serve an opportunity to participate in the debate.

Consider the tyranny of which I speak:
COVID-19 has exposed a third flaw in the near-deification of experts and the consequent elevation of their practical power. When public officials like state governors or the mayors of cities declare, “I am issuing a stay at home order because Dr. X, head of our public health office, says we must,” one of two things is true. One is that the elected official has in fact delegated the decision to the expert, in which case an unelected and unaccountable designee is making a decision of grave import to the lives, livelihoods, and rights of many, completely unchecked. The other is that the elected official actually holds the final say but is hiding behind the expert, in which case a different but no less corrosive form of unaccountability has arrived.
The problem of accountability and the imperfect understanding (and hence fragmentation) of the experts fuse to create an additional danger. Since there is actually no monolithic view among experts on difficult questions, elected officials can simply pick and choose the experts that say what they want to hear, put them ostensibly in charge of key policy decisions, and act as if the policy that they wanted all along has been handed down from on high by “science.” Amazingly, the experts they choose to elevate are usually the ones who tell them that an expansion of their own power is essential. That is not to say that expanding their own power is always their aim, or that no more noble motives are mixed in. But what politician can resist the suggestion that the good of society is coterminous with their own aggrandizement?
The tyrannical potential of this arrangement should be obvious. It has, in some recent cases, been demonstrated. The more committed we are to the doctrine that experts must always be given deference, the more vulnerable we are to this manipulation. The improvident elevation of expertise turns on its head the wisdom of the Founders, who were deeply wary of man’s intrinsic desire for power and committed to dividing power in order to frustrate such designs. It is no exaggeration to say that government wielded either directly by unchecked experts or by politicians using experts for cover is simply inconsistent with both consent of the governed and the protection of fundamental rights. The best rule in a republic is not deference to expertise. It is respect for expertise, but deference to no one.

Quoted from:
https://americanmind.org/essays/the-limits-of-expertise/

Thank you for listening-

Robert J. Borer
6541 S 59th Pl
Lincoln, NE 68516
402.570.2549

LANCASTER
COUNTY
MEDICAL
SOCIETY

August 13, 2020

Richard Meginnis

Chair
City Council for City of Lincoln

555 S 10th Street
Room 111
Lincoln, NE 68508

Mr. Meginnis,

The Lancaster County Medical Society board of directors, offer their full support for the appointment of Pat Lopez as the Director of the Lincoln Lancaster County Health Department. Ms. Lopez brings to this position over thirty years of experience in public health administration. Most of this time she served in various leadership roles that prepared her well for the current challenges facing our Health Department.

As interim Health Director Ms. Lopez has served our community during a very difficult public health crisis. As with most good leaders, Ms. Lopez has surrounded herself with an excellent staff with a variety of expertise and knowledge related to public health.

Together they use current research and reputable sources to guide them as they make decisions to ensure the health and safety of all Lancaster County residents.

We strongly endorse Ms. Lopez for the position of the Director of the Lincoln Lancaster County Health Director.

George Hansen M.D.

George Hansen, M.D.

President
Lancaster County Medical Society