

Dakota County Board of Corrections
Monday, August 20, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Commissioner Engel called their organizational meeting to order at 2:05 p.m.

Present were: Commissioners Engel, McLarty, Rohde, O'Neill, Hartnett, and Ted Piepho, acting Secretary.

Board Member Rohde nominated Board Member McLarty for chairman. Board Member Engel seconded the nomination.

Board Member Engel asked for other nominations.

Roll Call Vote on the first nomination: Rohde- Yes, O'Neill- No, Hartnett- Yes, Engel- Yes and McLarty- Yes. Motion Carried.

Board Member Engel asked for nomination for Vice Chair.

Commissioner O'Neill nominated Board Member Hartnett. Board Member McLarty seconded the nomination.

Board Member Engel nominated Board Member Rohde.

Roll Call Vote on first nomination: Rohde- Yes, O'Neill- Yes, Hartnett- Yes, Engel- No and McLarty- Yes. Motion Carried.

Board Member McLarty presided over the meeting.

Chair McLarty called for the agenda item to appoint an interim Jail management and to also think about hiring a Jail Administrator.

Mr. Ron Rapp, speaking on behalf of the Citizens Committee, recommended that they contract with the Sheriff's Office for the Jail Management and to appoint an Advisory Committee consisting of members as outlined by Commissioner McLarty in their Special Meeting of August 7, 2007.

Commissioner Hartnett felt that the board should discuss the advertisement of Jail Management and the appointment of an interim management.

The Board discussed that they wish to choose the jail administrator from a list of 4 or 5, recommended by the Advisory Committee.

Board Member Rohde moved, seconded by Board Member Hartnett to implement an interim Jail Management period until not later than January 1, 2008.

Roll Call Vote: O'Neill- Yes, Hartnett- Yes, Engel- Yes, McLarty- Yes and Rohde- Yes. Unanimous Motion Carried.

The Board discussed the advertising media in which they want to advertise.

Board Member Hartnett moved, seconded by Board Member Rohde to advertise in the Countyline, Sioux City Journal, Omaha World Herald, Dakota County Star and Des Moines Register.

Roll Call Vote: Hartnett- Yes, Engel- Yes, McLarty- Yes, Rohde- Yes and O'Neill- Yes. Unanimous Motion Carried.

Chair McLarty called for the Agenda item of Advisory Committee.

Board Member Engel suggested having 5 voting members on the committee.

Chair McLarty stated the members as suggested when the board was considering setting up the Board of Corrections in their August 7, 2007, Special Meeting.

Board Member Hartnett moved, seconded by Board Member Engel to establish a five (5) member Advisory Committee, made up as follows: (See Corrected Motion 8/27/07)

One County Board member, who would chair the committee, one So. Sioux City Council Member and a citizen from the Homer area, Jackson area and the South Sioux City area.

BE IT FURTHER RESOLVED that these be voting members and

FINALLY BE IT RESOLVED that the Dakota County Sheriff, So. Sioux City Police Chief, County Attorney, and the administrative assistant to the board, as secretary, serve as non-voting members.

Roll Call Vote: Engel- Yes, McLarty- Yes, Rohde- Yes, O'Neill- Yes and Hartnett- Yes. Unanimous Motion Carried.

The board agreed, without a motion, that they would advertise in the Dakota County Star for members wishing to serve on the advisory committee.

Board Member Rohde moved, seconded by Hartnett, to authorize the County Attorney, Ed Matney, to establish a contract between the Board of Corrections and the County Sheriff, that the Sheriff to provide two law enforcement officers permanently assigned to the jail and that the Sheriff provide deputies for transporting prisoners.

Roll Call Vote: Engel- Yes, McLarty- Yes, Rohde- Yes, O'Neill- Yes, Hartnett- Yes. Unanimous Motion Carried.

Randy Walsh provided the board with a jail report, as follows:

JAIL REPORT			
08/20/07			
NEW FACILITY:	<u>92</u>	MALE:	FEMALE
		64	28
	Federal	18	02
	Ours	46	26
OLD FACILITY:	<u>34</u>	MALE:	FEMALE
		00	00
	Federal	00	00
	Ours	34	00
JUVENILES:	02		
	Woodbury	02	00
	Madison	00	00
WORK RELEASE	03		
HOUSE ARREST	00		
TOTAL POPULATION	131		

Board Member O'Neill asked to have the floor under Jail Report and read prepared written comments and read them as some was addressed to Mr. McLarty and Mr. Matney, County Attorney.

Mr. Matney responded to her comments.

Board Member Hartnett moved, seconded by Board Member Rohde to adjourn.

Roll Call Vote: Engel- Yes and McLarty- Yes, Rohde- Yes, O'Neill- Yes, Hartnett- Yes. Unanimous Motion Carried. 3:00 p.m.

ATTEST:

Theodore A. Piepho, County Clerk Date

County Board of Corrections

William McLarty, Chairman

Date

Dakota County Board of Corrections
Monday, August 27, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular scheduled meeting to order at 2:04p.m.

Present were: Commissioners Engel, McLarty, Rohde, O'Neill, Hartnett, and Ted Piepho, acting Secretary.

The agenda for this meeting was as follows:

1. 2:00 p.m. Call to Order
 - i. Roll Call
 - ii. Recess to Public hearing Board of Commissioners
 - iii. Reconvene from Board of Commissioners
 - iv. Approve Minutes of August 20, 2007
2. Advertise for Jail Management and/or Administrator
 - Media and Advertising budget.
3. Contracts to Negotiate, renegotiate or renew
 - i. Contract with Sheriff
 - ii. General Operating Contracts
4. Policy and Procedures Manual
5. Other policy and procedures
6. Jail Report
7. Other Reports
8. Recess to August 28 or later if needed
Adjournment upon completion of business

Commissioner Hartnett moved, seconded by Commissioner Rohde to correct the motion in the minutes of August 20, 2007 establishing a 5 member advisory Committee, and stating that three of those members be a citizen from the Homer area, Jackson area and the South Sioux City area, that it should read three citizens of the county.

ROLL CALL VOTE: McLarty- Yea, Rohde- Yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED.

The Board discussed in what newspapers they felt the county should advertise the Jail Administrator position.

They felt that the Des Moines Register was too expensive and Commissioner Hartnett wanted to add the NIRMA magazine, with the SSC Star, Sioux City Journal and the Omaha World Herald. With further discussion, they felt that they should advertise one time in the Dakota County Star, Sioux City Journal, Omaha World Herald, and in the NIRMA and NACO magazines.

Commissioner Rohde moved, seconded by Commissioner Hartnett to advertise the Jail Administrator position one time in the Dakota County Star, Sioux City Journal, Omaha World Herald, and in the NIRMA and NACO magazines.

ROLL CALL VOTE: Rohde- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea and McLarty- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the question of Contracts to negotiate.

Mr. Matney presented a contract with the County Sheriff to provide two deputies to facilitate a smooth transaction from the Sheriff's Office to the Board of Corrections from September 1, 2007 to January 1, 2008.

Chairman McLarty suggested that the names of Rod Herron and Randy Walsh be written in the blank lines of the agreement.

Commissioner Rohde asked whether transporting prisoners was included in the agreement and it was.

They discussed the percentage for splitting Sandy's salary between the Sheriff and Jail's budget.

They discussed having a 30-day termination clause in the agreement.

Commissioner Hartnett moved, seconded by Commissioner Rohde to adopt and enter into the agreement with the Sheriff presented as follows:

**AGREEMENT FOR THE TRANSITIONAL OPERATION OF THE
DAKOTA COUNTY CORRECTIONAL FACILITY**

The parties to this agreement are the Dakota County Sheriff ("Sheriff") and the Dakota County Board of Corrections ("Board of Corrections"). The purpose of the agreement is to ensure the continued orderly operation of the Dakota County Correctional Facility during the transitional period from September 1, 2007, through and including January 1, 2008. The Board of Corrections, by virtue of its resolution adopted in August of 2007, will assume control of the correctional facility from the Sheriff.

The Sheriff agrees that he will assign two deputy sheriffs to the correctional facility. Both deputy sheriffs so assigned must also be acceptable to the Board of Corrections. Accordingly, the parties designated Rodney Herron as the Acting Director of Corrections and Randall Walsh as the Acting Assistant

Dakota County Board of Corrections
Monday, September 10, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:00 p.m.

Present were Board Members Engel, McLarty, Rohde, O'Neill, Hartnett, and Ted Piepho, acting Secretary.

1. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of August 27, 2007
2. 2:01 p.m. Rod Herron and Randy Walsh
 - Medical Insurance for inmates
3. Advisory Committee Members
 - Adopt official name for committee
 - Review Applications
 - Appoint members to the Advisory Committee
4. Miscellaneous Agenda Items
 - Declare responsibility for agenda items to be placed on agenda.
5. Public Comment
6. Misc. items
7. Mail and/or Emergency Business
8. 2:30 p.m. Adjournment.

I, Theodore A. Piepho, County Clerk in and for the County of Dakota, State of Nebraska, do hereby certify this agenda was posted in the Dakota County Courthouse, Dakota City Village Office and the Dakota City Post Office this 6th day of September 2007.

The agenda is kept current in the Office of the County Clerk and will not change within 24 hours prior to the regular meeting to be in compliance with state law. Other items brought up before the County Board must be emergency in nature and declared an emergency by the board.

THIS AGENDA IS SUBJECT TO CHANGE UNTIL 24 HOURS BEFORE THE STATED MEETING TIME.

Chair McLarty called for the agenda item to approve the minutes of August 27, 2007.

The County Clerk identified a couple of minor changes that he had made since sending them draft copies of the minutes and said that he had incorporated them into the minutes.

Board Member Hartnett moved, seconded by Board Member Rohde to approve the minutes of August 27th, 2007 as prepared for the official record.

ROLL CALL VOTE: McLarty- Yea, Rohde- Yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Randy Walsh, Assistant Jail Administrator, and Ron Rapp, appeared before the board.

Mr. Walsh reported that there is an insurance company that will insure inmates with medical insurance.

Mr. Rapp reported that the county is responsible for medical claims for prisoners.

He said there are two services out there. One is to have a third party administrator to audit the claims. The second approach is buying excess coverage with a high deductible. He said the trick is to find companies that will write the back stop insurance.

The cost of what the county was now spending was discussed.

Ms. Spencer, Board Assistant, said that she looked in past budgets for the cost of inmate medical and in fiscal year 04/05 the county spent \$98,341, in 05/06 the county spent \$58,294 and in 06/07 the county spent \$112,672.

The board asked Mr. Rapp and Mr. Walsh to continue to research this and report back to them.

Board Member Hartnett asked Mr. Walsh if they could contact the hospitals to negotiate a rate if we do not already having one. This was asked after Mr. Walsh reported that the state was billed according to Medicare rates.

Chair McLarty asked if there was a need to formally adopt a name for the Advisory Committee other than what they have called it thus far. The adopted name was "Advisory Committee", but is also referred to as the Jail Advisory Committee.

Board Member Hartnett said that she did not see any reason to change it.

Chair McLarty said it stays as is then.

Chair McLarty called for the agenda item to review the applicants to serve on the Advisory Committee. He said that there were five citizens that expressed interest in serving on said committee. They were; Marlin Millard from Hubbard, Vince Kramper from Dakota City, Ron Rapp from South Sioux City, Sally Reinert from Dakota City and Amy Freeman from Hubbard.

Chair McLarty said that they would pick the person to serve a three-year term.

Board Member Hartnett nominated Sally Reinert for the three-year term.

Board Member Engel nominated Vince Kramper for the three-year term.

Board Member O'Neill nominated Marlin Millard for the three-year term.

Chair McLarty reported that in talking to Vince Kramper, Mr. Kramper expressed that he would like to be appointed to the one year term and his written request also supported that.

Board Member Engel withdrew his nomination for Vince Kramper for the three-year term.

Board Member McLarty asked the question "Cease"?

Board Member Hartnett moved to cease.

Chair McLarty asked all in favor of Sally Reinert to raise their right hand.

Board Members Hartnett, Engel, McLarty and Rohde voted yea by raising their right hand.

Board Member O'Neill voted nay by not raising her hand.

Chair McLarty asked all in favor of Millard?

Board Members O'Neill and Engel voted yea by raising their hand.

Board Members Hartnett, McLarty and Rohde voted nay by not raising their hand.

Board Member Hartnett moved, seconded by Board Member O'Neill to appoint Marlin Millard for the two-year term.

Board Member Rohde moved, seconded by Board Member Hartnett that nominations cease and that the secretary cast a unanimous ballot for Marlin Millard for the two-year term.

Board Members Hartnett, Engel, McLarty, Rohde and O'Neill voted yea by raising their hands.

UNANIMOUS MOTION CARRIED.

Board Member Engel moved, seconded by Board Member Hartnett that nominations cease and the secretary be instructed to cast a unanimous ballot for Vincent Kremper for the one-year term.

Board Members Hartnett, Engel, McLarty, Rohde and O'Neill voted yea by raising their hands.

UNANIMOUS MOTION CARRIED.

The board discussed when the Advisory Committee should meet for their organizational meeting. It was decided that meeting would be at 7:00 p.m., Wednesday, September 19, 2007 at the courthouse.

Chair McLarty addressed the miscellaneous items on the agenda and more specifically the responsibility for agenda items. It was the consensus that the chair has the final approval with what goes on the agenda.

Chair McLarty asked if there was anybody that wished to address the board under Public Comment.

Ms. O'Neill said she had a comment. She added that there was a question why she received the Spencer Fane statements and Chair McLarty stopped Ms. O'Neill and advised her that this board was not the place to discuss that.

Chair McLarty said that he and Jackie had met with Rod Herron and come up with job a description for the Jail Administrator.

Board Member Rohde moved, seconded by Hartnett to adjourn

ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- Yea, O'Neill- Yea and Hartnett- Yea.

UNANIMOUS MOTION CARRIED. 2:34 p.m.

County Board of Corrections

ATTEST:

William McLarty, Chairman

Date Chair Signed

Theodore A. Piepho, County Clerk

Date entered in book

Dakota County Board of Corrections
Monday, September 17, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:00 p.m.

Present were Board Members Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.

The agenda for the meeting was as follows:

1. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of September 10, 2007
2. 2:01 p.m. Randy Walsh/Ron Rapp
 - Medical Insurance for inmates
- 2:15 p.m. Jerry Yacevich – Dakota Covington Rural Fire District
 - Agreement / Hazmat
 - Transporting Prisoners to Winnebago
3. Miscellaneous Agenda Items
 - CBM Food Contract – meal pricing change
 - Jail Administrator
 - Job description
 - Salary
 - Ad wording
 - Jail Report
4. Public Comment
5. Mail and/or Emergency Business
6. 2:30 p.m. Adjournment.

I, Theodore A. Piepho, County Clerk in and for the County of Dakota, State of Nebraska, do hereby certify that this agenda was posted in the Dakota County Courthouse, Dakota City Village Office and the Dakota City Post Office the 12th day of September 2007.

S/S Theodore A. Piepho, Dakota County Clerk

Chair McLarty called for the agenda item to approve the minutes of September 10, 2007.

Board Member Engel moved, seconded by Board Member Rohde to approve the minutes of September 10, 2007 as prepared for the official record.

ROLL CALL VOTE: McLarty- Yea, Rohde- Yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Randy Walsh and Ron Rapp on the subject Medical Insurance for inmates.

Mr. Rapp reported that there was a plan available that would help with the prescriptions for the inmates. Instead of insuring or naming the inmates on the prescription card, the administrator would name people authorized to authorize prescriptions on behalf of the inmates. There would not be co-pay but the drugs would be discounted.

Mr. Rapp said that there was a company that would write stop loss insurance and explained that.

Chair McLarty called for the agenda item Jerry Yacevich, Dakota Covington Rural Fire District with reference to an Agreement for Hazmat. It was determined that this was a Board of Commissioners item and therefore it was not taken up, but should be placed on the next County Board of Commissioners agenda.

Mr. Yacevich and Jim Gusten brought before the board the second item of transportation of prisoners to Winnebago. This particular issue was not addressed but an agreement that the Board of Commissioners had previously heard concerning an overall agreement of transporting prisoners to the local hospitals was. That was an agreement where the County Board would pay the Dakota Covington Fire District \$2000 annually for 25 transports.

Mr. Gusten and the Board of Commissioners negotiated that in the prior meeting and the verbal agreement amending what had been presented to the board was never brought back to the board.

Chair McLarty called for the agenda item "CBM Food Contract – meal pricing change".

The original agreement with CBM had a clause in it that the meal rate would increase annually by the CPI rate and this amendment was amending the original contract by increasing that meal rate by 3.1%. Commissioner Rohde moved, seconded by Commissioner Hartnett to approve the amendment to the original CBM Food Contract for providing meals to the prisoners by 3.1%, as follows:

AMENDMENT TO
FOOD SERVICE CONTRACT BETWEEN
DAKOTA COUNTY NEBRASKA AND CBM FOODSERVICE

This amendment to the original contract is entered into this 21st day of February, 2008 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Foodservice business address 2219 East Benson Road, Sioux Falls, South Dakota 57104.

Pursuant to item 4.0 of the entire agreement, the parties agree to retain the following cost per meal for

the contract year (January 1, 2008 through December 31, 2008). New prices will take effect on January 1, 2008.

(A table showing current prices versus the CPI Adjustment was shown here)

Rates reflect CPI Adjustment Rate of 3.1%

This amendment shall be attached to the original contract as an addendum and all other original contract provisions shall remain in full force and effect.

Dated this 17th day of September, 2007

Dated this 28th day of August, 2007

\s\ William I. McLarty
Board of Corrections
Dakota County, Nebraska

\s\ Marlin C. Sejnoha, Jr. President
CBM Foodservice

\s\ Rodney G. Herron
Rodney G. Herron
Jail Administrator

\s\ Brenda ???????
Witness

ROLL CALL VOTE: Rohde- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea and McLarty- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty wanted the Advisory Committee to review the Jail Administrator's Contract before it is adopted here.

Chair McLarty called for the agenda item of Public Comment and there was none.

Chair McLarty called for the agenda item of mail and/or emergency business and there was none.

Board Member Hartnett moved, seconded by Engel to adjourn

ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- Yea, O'Neill- Yea and Hartnett- Yea.

UNANIMOUS MOTION CARRIED. 2:33 p.m.

County Board of Corrections

ATTEST:

William McLarty, Chairman

Date Chair signed

Theodore A. Piepho, County Clerk

Date entered in book

Dakota County Board of Corrections
Monday, September 24, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:10 p.m.

Present were Board Members Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary. Absent: None.

The agenda for the meeting was as follows:

- 9. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of September 17, 2007
- 10. 2:01 p.m. Randy Walsh/Ron Rapp
 - Medical Insurance for inmates
- 3. 2:15 p.m. Jerry Yacevich – Dakota Covington Rural Fire District
 - Transporting Prisoners to Winnebago – Approve and sign agreement
- 4. Miscellaneous Agenda Items
 - Jail Administrator
 - Job description
 - Salary
 - Ad wording
 - Jail Report
- 5. Public Comment
- 6. Mail and/or Emergency Business
- 7. 2:20 p.m. Adjournment.

The numbers for the agenda items were inadvertently altered by Microsoft Word when printed. All agenda items are shown here. Arrangement of agenda items remained the same and items 1 - 8 did not exist for this board meeting.

Chair McLarty called for the agenda item Randy Walsh and Ron Rapp on the subject Medical Insurance for inmates.

Mr. Rapp reported that they have a carrier in place, an agreement with a third party and a Pharmacy Manager in place. Mr. Rapp demonstrated the packaging in which Reeder's packages the prescribed medications, which is each pill sealed individually in a card containing a seven day supply.

Mr. Walsh demonstrated the savings by doing this, because they could return some unused meds provided the card has not been used or tampered with.

Mr. Rapp reported that they are still collecting information.

Mr. Walsh gave the jail report as follows:

JAIL REPORT

			FEDERAL	FEDERAL	
September 24, 2007	MALE	FEMALE	MALE	FEMALE	TOTAL
NEW FACILITY:	64	20	21	1	84
OLD FACILITY:	27	07			34
JUVENILES WOODBURY CO.:	02	00			02
JUVENILES MADISON CO.:	00	00			00
WORK RELEASE:	04	01			05
HOUSE ARREST:	01	00			01
GRAND TOTAL POPULATION:					126

Board Member Engel moved, seconded by Board Member Hartnett to approve the minutes as typed and prepared for the official record.

ROLL CALL VOTE: Rohde- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Mr. Yacevich had left, but the chair called for the agreement with Dakota Covington Fire District. Board Member Hartnett moved, seconded by Board Member Engel to approve the agreement with Dakota Covington Fire District to pay \$2,000 a year for 25 prisoner transports to Mercy Medical or St. Lukes Hospital and \$175 for every transport thereafter, as follows:

AGREEMENT

Dakota County Jail, located in Dakota City, Nebraska, and Dakota City Volunteer Fire Department, propose this agreement concerning billing when Dakota City Volunteer Fire Department transports a prisoner from the Dakota County Jail to a medical facility (hospital ER):

- 1. Dakota City Volunteer Fire Department will-
 - A. Provide basic life support treatment and stabilization to the patient according to medical control.
 - B. Provide all basic life support equipment and supplies necessary according to medical control.
 - C. Transport patient to nearest medical facility (Mercy Medical or St. Lukes Hospital in Sioux City, Iowa).
 - D. Bill the county jail as per its fee schedule approved by the Dakota County Commissioners and the Dakota City Volunteer Fire Department.

- 2. Fee Schedule-
 - A. Dakota City Fire Department and Dakota County Commissioners on behalf of the Dakota County Jail in Dakota City, Nebraska, agree to a flat annual fee of \$2000. to transport patients from the Dakota County Jail based on the first 25 transports. Any transports after the first 25 transports will be billed at the rate of \$175.00 per transport to a medical facility.

- 3. Fee Schedule Review-
 - A. This rate schedule can be reviewed and changed annually subject to agreement by both parties if so desired.

ROLL CALL VOTE: Rohde- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea and McLarty- Yea.
UNANIMOUS MOTION CARRIED.

Mr. McLarty reported that the Advisory Committee had looked at the job description for the Jail Administrator and was ok with it but that the salary has not been determined and the ad wording is still being worked on and suggested that it be on the next agenda.

Chair McLarty called for the agenda item of Public Comment and there was none.
Chair McLarty called for the agenda item of mail and/or emergency business and there was none.

Board Member Hartnett moved, seconded by Board Member Engel to adjourn
ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- Yea, O'Neill- Yea and Hartnett- Yea.
UNANIMOUS MOTION CARRIED. 2:33 p.m.

County Board of Corrections

ATTEST:

_____ William McLarty, Chairman	_____ Date Chair signed
------------------------------------	----------------------------

_____ Theodore A. Piepho, County Clerk	_____ Date entered in book
---	-------------------------------

Dakota County Board of Corrections
Monday, October 8, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:00 p.m.

Present were: Board Members Engel, McLarty, Rohde, O'Neill, and County Clerk Ted Piepho, acting Secretary. Absent: Hartnett.

The agenda for the meeting of October 8, 2007 was as follows:

1. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of September 24, 2007
2. 2:01 p.m. Randy Walsh/Ron Rapp
 - Medical Insurance for inmates
3. 2:15 p.m. Miscellaneous Agenda Items
 - Jail Administrator
 - Job description
 - Salary
 - Ad wording
 - Jail Report
4. Public Comment
5. Mail and/or Emergency Business
6. 2:20 p.m. Adjournment.

Board Member Engel moved, seconded by Board Member Rohde to approve the minutes as typed and prepared for the official record.

ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett- Absent and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Mr. Rapp reported that they do not have a proposal for the medical insurance for inmates but thought that that they would have it all together for the next meeting.

Ms. O'Neill asked if this was something that should be bid.

Board Member Rohde moved, seconded by Board Member Engel to adopt the following Job Description for the Jail Administrator position.

Jail Administrator
Dakota County
Job Description

SUMMARY: The Jail Administrator is responsible to plan, organize, implement, operations and programs in the Correction's facility. The Jail Administrator shall assign and direct subordinates, ensuring that all policy, rules, regulations, orders, procedures and directives are enforced and implemented. The Jail Administrator shall make independent decisions or recommendations in the hiring, promotion, transfer, discipline or discharge of department employees in accordance with Department Policy and Procedures, County Code, and Nebraska Statutes. The Jail Administrator is directly accountable to the Dakota County Board of Corrections.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Provides supervision and interpretation of policies and procedures to shift supervisors and all personnel. Develop, implement, and monitor policies and procedures for facility operations and insure that these are readily available to personnel in the facility.

Manage supervisors and counsel personnel as required. Develop job descriptions, employee objectives, and perform supervisory employee performance evaluations. Relieve from duty any personnel considered incapable of performing required duties.

Meet with the Board of Corrections, and other management staff to discuss policies, procedures, and programs that affect the operation of the facility. Participate as needed to assist with department-wide planning and program development. Attend meetings as required to represent the facility, as requested by the Board of Corrections.

Receive the complaints and notification of the grievances of the employees, and use independent judgment in making recommendations to effectively adjust the complaints and grievances.

Prepare the facility budget, monitor the budget and prepare reports and analysis as required. Responsible for the fiscal status of facility operations, this includes: managing accounts receivable; managing accounts payable; and supervising a facility finance clerk.

Research, plan, organize, and conduct facility training as required. Responsible for setting up the training for facility personnel in compliance with the State's certification program. Attend training programs as required to keep current on issues affecting facility operations. Administer facility in-service training program.

Utilize a wide variety of specialized computer systems to prepare data for program evaluation requirements. Utilize this information and data to plan, organize, and implement program changes in the facility as required.

Manage the required programs related to the housing, booking, and releasing of inmates. This management ensures that: inmates are informed of jail rules; proper inmate release dates are accomplished; inmates are properly qualified, prior to release on the Huber law program; the correctional facility maintains fire and safety codes as required; and facility responsibilities related to the transportation of inmates are accomplished.

Communicate with a variety of agencies and administrators regarding the Correction's facility operations. These communications include:

Public Defenders Office; State Department of Corrections; Federal Agencies; Bureau of Prisons; County Attorney's; Both County and District Court Offices; Merit Commission; Advisory Committee; members of the Clergy; and medical professionals.

Manage all aspects of contracted services in the facility. These contracts include: inmate housing (state and federal); inmate food service; inmate health service; inmate commissary service; inmate health service; and alcohol and drug abuse screening service.

Insure that all inmate complaints are investigated. Manage all aspects of the inmate disciplinary program and proceedings; provide due process as required by law.

SUPERVISORY RESPONSIBILITIES: Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems. Responsible to develop a line item budget.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

High School Degree

Nebraska Jail Standards Certification as a Corrections Officer.

Nebraska Certification in Supervisory and Management with in 2 years

Five years work experience as a Corrections Officer or related field.

Bachelor's Degree or 10 years Law Enforcement or related field.

LANGUAGE SKILLS: Must possess above average oral and written communications skills

MATHEMATICAL SKILLS: Good mathematical skills.

REASONING ABILITY: Must have the ability to evaluate situations, based on training and experience, and make good decisions. Make good independent decisions, based on practices, rules and procedures.

CERTIFICATES, LICENSES, REGISTRATIONS: State Certification as a Corrections Officer.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT: The work environment characteristics described are representative of those that must be met by an employee to successfully perform the essential functions of this job.

ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett- Absent and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Salary for the Jail Administrator.

Mr. McLarty said that the Advisory Committee recommended a salary of 40 to 50 thousand dollars a year. He also reported that he had a call from Board Member Hartnett that she did not feel that was enough.

Board Member Rohde thought that with the budget situation as it is, he thought 40 to 50 thousand dollars a year is in line and Board Member Engel agreed.

Board Member Engel moved, seconded by Board Member Rohde to accept the recommendation of the Advisory Committee and to set the salary of the Jail Administrator in a range of \$40,000 to \$50,000 pending experience and qualifications.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Absent, Engel- Yea, McLarty- Yea and Rohde- yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Ad wording for the Jail Administrator ad. After briefly discussing the ad seeking applications for Jail Administrator, it was determined that the following ad was in compliance with the board's action of setting the salary.

Board Member Engel moved, seconded by Board Member Rohde to approve the following ad for seeking a Jail Administrator:

DIRECTOR OF CORRECTIONS. Dakota County, Nebraska, is seeking a Director of Corrections. Responsibilities include planning, organizing, implementing and directing all operations, personnel and programs in our 164-bed Correctional Facility.

BA degree or 10 years law enforcement or related field.

Benefits: Medical, Dental and Life Insurance, Retirement Plan.

Salary range: \$40,000 to \$50,000.

Send resume to Administrative Assistant, PO Box 338, Dakota City NE 68731

jspencer@dakotacountyne.org

Deadline October 20, 2007

ROLL CALL VOTE: Hartnett- Absent, Engel- Yea, McLarty- Yea, Rohde- yea and O'Neill- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item Jail Report.

Mr. Herron reported that he had the contract back from the BIA and he had signed it but that it only runs to November, 2007. He said that they approved \$3,240 which represents 12.84% of the total that had been asked for.

JAIL REPORT

October 8, 2007

	MALE	FEMALE	FEDERAL MALE	FEDERAL FEMALE	TOTAL
NEW FACILITY:	75	21	21	01	96
OLD FACILITY:	21	04			25
JUVENILES WOODBURY CO.:	03				03
JUVENILES MADISON CO.:	01				01
WORK RELEASE:	7**	2**			
HOUSE ARREST:		01			01
GRAND TOTAL POPULATION:	101	25	21	01	126

**= Information only included in totals of old and new facility

** Waiting for Com-Tee to come and due some warranty repair work on the camera system. Tentatively set for the week of Oct. 15th.

** BIA contract is looking very promising, just awaiting signatures is what we have been told. Senator Fortenberry's office has been very helpful with this.

** Immigration (ICE) has contacted us about possibly working out a contract with them to hold their prisoners. A visual inspection of our facility by their contract people is being set up.

** Nebraska Jail Standards (Dan Evans) will be in the facility on October 16th to look at the old facility to see what would have to be done to change over part of it to handle juveniles on a temporary basis (weekends, etc.).

Chair McLarty called for the agenda item public comment and there was none.

Chair McLarty called for the agenda item mail and/or emergency business and there was none.

Board Member Rohde moved, seconded by Board Member Engel to adjourn.

ROLL CALL VOTE: Hartnett- Absent, Engel- Yea, McLarty- Yea, Rohde- yea and O'Neill- Yea. UNANIMOUS MOTION CARRIED 2:25 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman

Date Chair signed

Dakota County Board of Corrections
Monday, October 22, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:25 p.m.

Present were Board Members: Engel, McLarty, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.

Absent: Board Member Rohde

The agenda for the meeting was as follows:

- 11. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of October 8, 2007
- 12. 2:01 p.m. Rod Herron and Rick Jensen
 - Sewage digester / grinder
- 13. 2:10 p.m. Randy Walsh and Ron Rapp
 - Medical Insurance for inmates
- 14. 2:15 p.m. Miscellaneous Agenda Items
- 5. Public Comment
 - * Lue Franco – Tax Payer concerns
- 6. Mail and/or Emergency Business
- 7. 2:20 p.m. Adjournment.

The numbers for the agenda items were inadvertently altered by Microsoft Word when printed. All agenda items are shown here. Arrangement of agenda items remained the same and items 1 - 10 did not exist for this board meeting.

Board Member Engel moved, seconded by Board Member Hartnett to excuse Board Member Rohde. ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea, Rohde- Absent. UNANIMOUS MOTION CARRIED.

Board Member Hartnett asked that the minutes of October 8, 2007, be corrected to show the chain of events for the placing of the ad for the Director of Corrections. Discussion showed that the minutes from the Board of Correction and the Jail Advisory Committee do not reflect the directive to place the ad. The proper sequence of events should have been to bring the ad recommendation from the Jail Advisory Committee to the Board of Corrections for final approval.

Discussion was had on the salaries of similar positions to the Director of Corrections.

Board Member O'Neil moved to re-advertise for the Director of Corrections. Motion failed for lack of a second.

Board Member Hartnett moved, seconded by Board Member O'Neill, to approve the minutes of October 8, 2007 to reflect that Chair McLarty admitted that he authorized the ad for the Director of Corrections, but that he was in error to do so and that authorization had not been given by the Board of Corrections. ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea, Rohde- Absent. UNANIMOUS MOTION CARRIED.

Randy Walsh and Rick Jensen appeared before the board to discuss the sewage grinder. Randy Walsh stated that the grinder was bid out. What was received was a Sewage Slicer that was in specifications that were bid out to the board. He said it will not grind up plastic and this caused problems. He said they were making measures to alleviate the problem through the changing of certain products in the jail. Board Member Hartnett had some concerns about whether the garbage cans placed in the jail were up to jail standards and said that it would be worth making a phone call on that issue. Randy Walsh discussed that the DVR (Digital Video Recorder) only has a 16-day recording storage. He did not believe this was long enough. Rick Jensen said this was the third time they have had to work to fix a problem with the slicer.

Discussion was had on various jail item issues and problems.

Randy Walsh handed a jail report out to the Board Members.

JAIL REPORT

October 22, 2007

	FEDERAL		FEDERAL		
	MALE	FEMALE	MALE	FEMALE	TOTAL
NEW FACILITY:	71	22	28	01	93

OLD FACILITY:	37	00	37
JUVENILES WOODBURY CO.:	01	00	01
JUVENILES MADISON CO.:	00	01	01
WORK RELEASE:	5	2	7
HOUSE ARREST:		01	01
GRAND TOTAL POPULATION:			133

Comments:

Sewer Grinder: Not a sewer grinder, is a sewer slicer per the bid specifications on the project.
(does not grind up plastics)

- a) garbage cans have been placed into each cell to dispose of any garbage
- b) inmates have been informed that commissary items can be removed for violations
- c) supper meals are being placed on trays without plastics

DVR: per bid specs the current DVR was bid with a 16 day retention for audio/video. Should have been bid for at least 90 days (most court cases down the calendar that far and most lawsuits aren't filed within 16 days)

Jail Standards: Denny Macomber was here to look at the old jail reference to housing juveniles

- a) costly to renovate
 - b) cost to run would be greater than cost to house out juveniles due to the space requirements to house
 - c) Rod is exploring other avenues at this time.
- End Jail Report-----

Chair McLarty called for the agenda item - Medical Insurance for inmates

Randy Walsh said he talked to Ron Rapp that morning and said that he had not gotten all the information back yet that we needed.

Board Member O'Neill asked Randy Walsh if we were being charged to have the bids to be put together.

Randy Walsh did not believe that was the case.

Chair McLarty asked for miscellaneous agenda items, there were none.

Chair McLarty asked for Public Comment.

Luella Franco approached the board.

She read the following excerpt from the September 19, 2007 Dakota County Jail Advisory Committee Minutes:

She also read an excerpt from the September 28, 2007 Dakota County Jail Advisory Committee Minutes:

She stated that there were also some concerns from Bob Giese about the salary range.

Luella said she had concerns about how the Board is running, with how the ad was published before it was approved through the Board of Corrections.

Ms. Franco was concerned with the cost of running the ad and she was also concerned with hiring a Director of Corrections with the investigation on the jail being undisclosed.

Board Member O'Neill asked Chair McLarty if we are committed to choosing a person from the submitted resumes.

Chair McLarty said that he believed we should review the submitted resumes, if none are acceptable then we re-advertise. He said that the board could decide if they wanted to do that.

Board Member Hartnett moved, seconded by Board Member Engel to adjourn

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea, Rohde- Absent.
UNANIMOUS MOTION CARRIED. 3:15 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman

Date Chair signed

Theodore A. Piepho, County Clerk

Date entered in book

Dakota County Board of Corrections
Monday, November 5, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:04 p.m.

Present were Board Members: Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.

Absent: None

The agenda for this meeting was as follows:

15. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of October 22, 2007
16. 2:01 p.m. Ron Rapp and Randy Walsh
 - Inmate Medical Insurance
 - Bid specifications
 - Medications
17. 2:15 p.m. Director of Corrections Applications
 - Director of Corrections position – Executive Session
18. Miscellaneous Agenda Items
 - DVR – Digital Video Recorder – only records 16 days and should record 90 days
 - Sewage Slicer
 - GA Johnson – discuss deficiencies in jail
 - Update jail Physical items
 - Jail Report
5. Public Comment
6. Mail and/or Emergency Business
7. 2:45 p.m. Adjournment.

The numbers for the agenda items were inadvertently altered by Microsoft Word when printed. All agenda items are shown here. Arrangement of agenda items remained the same and items 1 - 14 did not exist for this board meeting.

Board Member Hartnett moved, seconded by Board Member Rohde to approve the minutes of October 22, 2007 as printed and prepared for the Official Record.

ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- yea, O'Neill- Yea and Hartnett- Yea. UNANIMOUS MOTION CARRIED.

Ron Rapp and Randy Walsh appeared before the board concerning excess medical reinsurance for inmates held in Dakota County Correctional/Jail facility. It was discussed to bid the insurance and Mr. Rapp volunteered to work with Ms. Spencer to draft specifications.

Board Member Hartnett moved, seconded by Board Member O'Neill to advertise request for proposals (RFP) for providing Dakota County with excess medical reinsurance for inmates held in Dakota County Correctional/Jail facility or any other facility, in the case of out boarding prisoners. ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea. UNANIMOUS MOTION CARRIED.

Board Member Hartnett moved, seconded by Board Member O'Neill to advertise Requests for Proposals for excess medical reinsurance mentioned in the above motion in the Dakota County Star, Sioux City Journal and the Des Moines Register.

ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea. UNANIMOUS MOTION CARRIED.

Jerry Johnson, with GM Johnson, and several contractor from the jail construction, appeared before the board with problems that we incurred when starting up the new jail and since that time.

Although some of the issues were minor some were more serious. Rick Jensen's report was as follows:

- A. Mechanical areas in between cells were left cluttered with plumbing, elec. pieces & wire, plastic, string, etc. If you drop something the bottom is not sealed up and it goes under the Jail.
- B. Bottom of pods (By drain spouts) had holes between Pod & footing & water from down spouts drained under building. One door I have to pry open to get in to work.
- C. Mastercraft Pneumatic valves are being replaced about once a week (although it's getting better). I have to disassemble them, clean & reassemble. Joel from Hander Plumbing has had the same problem. Acorn valves are better (I'm told). Push valves or hydraulic plungers stick - have to be removed & cleaned. There was considerable discussion on these. It was felt that this is more of a maintenance issue than a warranty issue.
- D. Showers
 - (a) The water shoots out past the drains & past the new stainless steel risers, sometimes causing water to run over balcony onto the main floor. It was discussed that we look at purchasing longer shower curtains.
- E. Sewage slicer pump.

I was told it was a grinder but it's not. We scooped the sewage pit out three times already & it's full again. Something needs to be changed!

Hot water heaters.
Two circuit boards malfunctioned, one was replaced last week - it's bad already.
These were discussed at length; the vendor said that a grinder would not be as good for the application that we are using it for. In simple terms it was felt that too much trash was being flushed down the sewer.

It was expressed that Dakota County has three options; 1, Try and prevent so much trash from being flushed down the system. 2. To pump out the pit or 3. To purchase a Muffin Monster, which will grind all the foreign material, but it would cost an estimated \$30,000 to install one.

- F. Down spouts leak and water runs down the outside of them (pictures).
- G. Sprinkler system test pipe blows or will blow all my landscaping material across the sidewalk. Could have been plumbed into drain.
- H. Sidewalk out front by south main entrance door is higher than door threshold.
- I. Doors
Some latches on doors will not let doors close. We spray dry lube on them.
Spring on front door latch broke leaving door open.

Construction crews and some others did not clean up after themselves. Sheet rock, plumbing, elec. wire & pieces and 1/8 to 14' dirt in some areas.
Pipe, cone, block, pellets, tin from roof edge, pulleys from AC units, screws & wire pieces.

The written jail report was submitted to the board as follows:

JAIL REPORT

November 5, 2007

			FEDERAL	FEDERAL	
	MALE	FEMALE	MALE	FEMALE	TOTAL
NEW FACILITY:	76	28	34	02	104
OLD FACILITY:	39	00			39
JUVENILES WOODBURY CO.:	00	00			
JUVENILES MADISON CO.:	00	00			
WORK RELEASE:	4	2			
HOUSE ARREST:		01			1
GRAND TOTAL POPULATION:					144

Comments: There were no written comments.

Chair McLarty called for the agenda item "Public Comment".
Gordon Krogh appeared before the board and had found a means of publicizing the Jail Administrator position at relative no cost. He asked for the board to extend the application time deadline and to be authorized to meet with the Board's assistant to draft an advertisement, to be sent out, in the Iowa Association of County Sheriff's (ISAC) news letter.
Chair McLarty said that it was not on the agenda.

Chair McLarty called for the agenda item "mail and/or emergency business" and there was none.
Chair McLarty declared a 5 minutes recess at 3:38 p.m.
Chair McLarty reconvened their meeting from recess at 3:48 p.m.
Board Member Hartnett moved, seconded by Board Member Engel to convene into Closed Executive Session for the purpose of discussing personnel.
ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- yea, O'Neill- Yea and Hartnett- Yea.
UNANIMOUS MOTION CARRIED. 3:48 p.m.

Board Member Hartnett moved, seconded by Board Member Engel to reconvene into open session.
ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED. 4:05 p.m.

Ms. O'Neill said that Board Member Hartnett resigned from the Merritt Commission and asked if the Board needed to appoint someone and questioned if the board has ever appointed a member to said Commission to replace Ms. Hartnett. Thinking that they had not done that the board asked that it be placed on the next agenda. Mr. McLarty said that we had to make sure that the Board of Corrections was closed. Chair McLarty said that we are officially closed meaning that the meeting was adjourned at 4:08 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman Date Chair signed

Dakota County Board of Corrections
Monday, November 19, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:12 p.m.

Present were Board Members: Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.

Absent: None

The agenda for this meeting was as follows:

2:00 p.m. Call to Order

Roll Call

- Approve minutes of November 5, 2007

2:01 p.m. Applications for Corrections/Jail Administrator

- Review applications – Executive Session may be requested
- Schedule interviews

Miscellaneous Agenda Items – The chair may call in different order than how they appear below.

- Jail Report
- Declare Method of public notification of meetings - Posting or being Published
- Consideration of Inmate Insurance Advanced Correctional Health Care.
- Interim Corrections Director Letter of Resignation. Possible Closed Session.
- Appoint Interim Corrections Director
- Extend the deadline for receiving applications for the position of Director of Corrections.
- Additional advertising for the position director of Corrections.
- Discuss possible extension of the date of commencement for assumption of duties by new director of corrections.

Public Comment

Mail and/or Emergency Business

2:45 p.m. Adjournment.

Board Member Hartnett moved, seconded by Board Member Engel to approve the minutes of November 5, 2007 as printed and prepared for the Official Record.

ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- yea, O'Neill- Yea and Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Mr. Randy Walsh, Assistant Director of Corrections, reported there were 144 total inmates and that was capacity with respect to classifications. He reported that we had 37 Federal prisoners.

Mr. Walsh also reported that Jail Standards was here (visited the jail) on the 14th of November. Denny McCumber said that all the paperwork and logs were in good shape. He said that the facility and especially the old facility was the best that he has seen in years as far as cleanliness.

Mr. Macomber had a couple issues, however. One was the slicer/grinder and that he was going to put that in his report when Jail Standards meets in January and give the county 6 months to rectify the problem. He said that the pit had been vacuumed out on Monday and that he checked Friday and nothing had accumulated in a week.

He also brought up the showers on the second tier. He said Mr. Macomber was bothered because the water runs down behind the concrete and they are getting some rust discoloration and mold could eventually set in there. Mr. Randy Walsh said that he had called Stan Wheellock concerning the problem.

Another issue was the paperwork from CBM. Apparently that was not correct and he and Mr. Walsh visited with CBM about that. Mr. Walsh mentioned that the county has to have a full time nurse within 6 months to a year.

Mr. Walsh reported that the Fire Marshal had inspected the jail the following day (following Mr. Macomber's inspection).

He said that the sprinkler system needs a yearly check by a company that specializes in inspecting same. He said they did that in October and we are ok there, but the company that put in the smoke alarm system did not do that. Mr. Walsh was getting that inspected and that the Fire Marshall was coming back in two weeks to re-inspect that.

Ron Rapp advised the board that he met with Joan on specifications for the inmate insurance and explained same.

Commissioner Hartnett moved, seconded by Commissioner Rohde to convene in Closed Executive Session to discuss and review the applications for Director of Corrections.

ROLL CALL VOTE: McLarty- Yea, Rohde- yea, O'Neill- Yea, Hartnett - Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED. 2:30 p.m.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to reconvene in open session.
ROLL CALL VOTE: Rohde- yea, O'Neill- Yea, Hartnett – Yea, Engel- Yea and McLarty- Yea.
UNANIMOUS MOTION CARRIED. 3:08 p.m.

Commissioner Hartnett moved, seconded by Commissioner Engel that Daniel B. O'Neill, Joseph W. Ramirez, Elizabeth M. Braden and Terry L. Kern but the finalists for interviews for the Director of Corrections Position.
ROLL CALL VOTE: O'Neill- No, Hartnett – Yea, Engel- Yea, McLarty- Yea and Rohde- yea. MOTION CARRIED.

Chair McLarty called for the agenda item "Interim Corrections Director Letter of Resignation. Possible Closed Session".
Commissioner Rohde moved, seconded by Commissioner Hartnett to accept the Letter of Resignation of Rod Herron as Interim Director of Corrections and to appoint Randy Walsh as Interim Director of Corrections.
ROLL CALL VOTE: Hartnett – Yea, Engel- Yea, McLarty- Yea, Rohde- yea and O'Neill- Yea,
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda "Extend the deadline for receiving applications for the position of Director of Corrections".
Commissioner O'Neill moved, seconded by Commissioner Hartnett to re-open the deadline for receiving applications for the position of Director of Corrections and to set a deadline of December 31, 2007 for receiving said applications. BE IT FURTHER RESOLVED to re-publish using the same format except to leave the salary open
ROLL CALL VOTE: Rohde- yea, O'Neill- Yea Hartnett- Yea, Engel- No and McLarty- No. MOTION CARRIED.

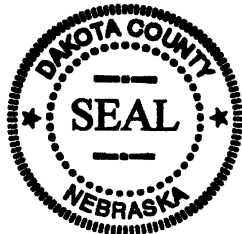
Chair McLarty called for the agenda item "Public Comment" and there was none.

Chair McLarty called for the agenda item "Mail and / or Emergency Business and there was none.

Chair McLarty asked if there were any last minute items from the Board.

Commissioner O'Neill asked to read something. As a Dakota County Commissioner, I have accepted the responsibility that was entrusted to me by the citizen's of Dakota County. I am not a fan of how our jail has been run in the past. She continued about possible improprieties.

Commissioner Engel moved, seconded by Commissioner Hartnett to adjourn.
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- yea,
UNANIMOUS MOTION CARRIED. 3:26 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman Date Chair signed

Theodore A. Piepho, County Clerk Date entered in book

Dakota County Board of Corrections
Monday, December 3, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:17 p.m.

Present were Board Members: Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.
Absent: None

The numbers for the agenda items were inadvertently altered by Microsoft Word when printed. All agenda items are shown here. Arrangement of agenda items remained the same and items 1 - 18 did not exist for this board meeting.

The agenda for this meeting was as follows:

- 19. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of November 19, 2007
- 20. 2:01 p.m. Applications for Corrections/Jail Administrator – Possible Executive Session
- 21. Miscellaneous Agenda Items
 - Jail Report
 - Open bids for inmate insurance
 - Muffin Monster grinder – discussion and to authorize action.
 - Hire consultant to advise county on sewage slicer/grinder.
 - John Gilles – permission to authorize training
 - Schedule interviews for the four Corrections Director Applicants.
- 22. Public Comment
- 5. Mail and/or Emergency Business
- 6. 2:45 p.m. Recess

Board Member Hartnett moved, seconded by Board Member Rohde to approve the minutes of November 5, 2007 as printed and prepared for the Official Record.
ROLL CALL VOTE: Engel- Yea, McLarty- Yea, Rohde- Yea, O'Neill- Yea and Hartnett- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Jail Report".
Mark Nelson acting Interim Jail Administrator presented the Jail Report verbally as follows:

JAIL REPORT

December 3, 2007
County

	county		FEDERAL		TOTAL
	MALE	FEMALE	MALE	FEMALE	
NEW FACILITY:	40	22	34	04	100
OLD FACILITY:	33	8			41
JUVENILES WOODBURY CO.:	2	1			3
JUVENILES MADISON CO.:	2	00			2
WORK RELEASE:	5				5
HOUSE ARREST:		3			
GRAND TOTAL POPULATION:					151

Chair McLarty asked Mr. Nelson how the Shedder disposal was working. Mr. Nelson said that it was working capably for what it was designed to do. He added that jail standards gave the county six (6) months to fix the problem. Mr. Nelson thought that the Muffin Grinder would resolve the problems.

Chair McLarty called for the agenda item "Muffin Monster".
Chair McLarty reiterated that Jail Standards went through for a Jail inspection and that they gave us six months to correct the problem. The problem is that the debris still collects on the top of the tank and that creates a health hazard and we have six months to fix it.
Chair McLarty explained that it was on the agenda to hire a consultant, who was not affiliated with building the jail to go in there and look at the situation and to come up with a recommendation of how to fix it.
Chair McLarty mentioned three possibilities and that was Olsson and Associates, Gregg Meyer from Buell and someone else if the board wished.
Board Member Rohde felt that Gregg Meyer would be good. He felt that it had to be fixed, but that the county shouldn't be liable for it.
Board Member Hartnett echoed that.

Ed Matney, County Attorney, said that he would be reluctant to incur more expense on the principle that Jerry Johnson would pay it. Mr. Matney thought we should have some sort of commitment from Mr. Johnson before we do that.

Board Member Hartnett moved, seconded by Board Member Rohde, to hire a consultant to advise the County on the sewer slicer / grinder at the discretion of Board Member McLarty.

Robert Giese, South Sioux City's Mayor, said that if the main problem is coming out of the jail cells going into the sewer system, why not just eliminate what is going into the cells.

Vincent Kramper offered the suggestion that the inmates be inventoried of items going into the cell and what comes out and that they be limited to receiving more by what they return. Along with that they loose privileges if they don't follow the rules.

Mr. Nelson remarked that if they did those things additional staff was necessary.

Marlan Millard thought that material should flow through the slicer.

John Gilles, the night time jail supervisor echoed what Mark Nelson said about needing more staff.
ROLL ON THE MOTION: ROLL CALL VOTE: O'Neill- No, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- Yea. MOTION CARRIED.

John Gilles, Supervisor for the night shift, appeared before the board to get permission to promote someone to be an assistant for shift supervisor.
Chair McLarty said that would be under the authority of the Jail Administrator.

The Board discussed dates, which the board could meet with the four selected to be interviewed for the position prior to re-opening of application for the administrator position.
It was decided to hold those interviews on December 18, 2007.

The board discussed giving Mark an incentive to be Interim Jail Administrator.

The board reviewed their decision to interview the four applicants on December 18th and decided that it would be best to interview the four with the others selected from what is received from the extended deadline.

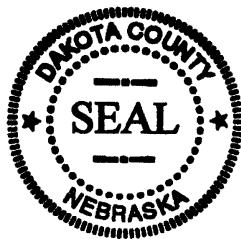
Chair McLarty was to notify the applicants and let them know of the board's intent.

Chair McLarty opened the lone insurance bid for inmate health insurance coverage.

Ron Rapp clarified that he did not consider this a bid because that is something you receive when you have already decided to purchase something. This is a situation where you published a request for proposal. This is a situation where you are asking is it feasible to do this. He noted on one side of the portfolio enclosed in the envelope is the specifications for the RFP and the other side is that quote and the quotes are good until January 1, 2008 and Mr. Rapp explained the benefits.

The Board took the information under advisement and will study the information.

Board Member Hartnett moved, seconded by Board Member Engel to adjourn.
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- Yea,
UNANIMOUS MOTION CARRIED. 3:00 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman

Date Chair signed

Theodore A. Piepho, County Clerk

Date entered in book

Dakota County Board of Corrections
Monday, December 17, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:00 p.m.

Present were Board Members: Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.
Absent: None

The agenda for this meeting was as follows:

2:00 p.m. Call to Order

- Roll Call
- Approve minutes of December 3, 2007
- Payroll - Employee Handbook and Personnel Policies – Sick Leave, Vacation and benefits.

2:01 p.m. Corrections/Jail Administrator – Possible Executive Session
Miscellaneous Agenda Items

- Jail Report
 - Resignation of Randall Walsh and appointment of interim Jail Administrator.
 - Interim Jail Administrator's Salary
 - Discuss and/or approve inmate excess medical reinsurance
 - Muffin Monster grinder – Report and discussion.
 - Schedule interviews for Corrections/Jail Administrator Applicants.
 - Employee Handbook
 - Additional P/T staffing of Jail.
 - Agreement between the Sheriff Dept and the Board of Corrections
- Board Member Committee Reports
Board Member Reports
Public Comment
Mail and/or Emergency Business

2:30 p.m. Adjournment

Board Member Hartnett moved, seconded by Board Member McLarty to approve the minutes of December 3, 2007 as printed and prepared for the Official Record.
ROLL CALL VOTE: McLarty- Yea, Rohde- Yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Board Member Rohde moved, seconded by Board Member Hartnett to convene into Closed Executive Session to discuss personnel.
ROLL CALL VOTE: Rohde- yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea and McLarty- Yea.,
UNANIMOUS MOTION CARRIED 2:01 p.m.

Board Member Engel moved, seconded by Board Member Hartnett to reconvene in Open Session.
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- yea.
UNANIMOUS MOTION CARRIED 2:30 p.m.

Mark Nelson, Interim Jail Administrator, gave the following Jail Report.

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	43	Male Prisoners:	25
Male Federal Prisoners:	33	Female Prisoners:	8
<u>Total Male Prisoners:</u>	76	<u>Total Old Facility Prisoners:</u>	33
Female Prisoners:	17	Woodbury Juveniles	4
Female Federal Prisoners:	4	Male:	2
<u>Total Female Prisoners:</u>	21	Female:	2
<u>Total Federal Prisoners:</u>	37	Madison Juveniles:	2
<u>Total New Facility Population:</u>	97	Male:	1
		Female:	1
		<u>Total Juvenile Population:</u>	6

Work Release: 4
House Arrest: 5
Other: 2

Total Population: 143

Comments:

Upper Tier Shower Issue:

I have addressed the issue by contacting BobBarker Industries to obtain a quote for adding an additional shower curtain to each upper level shower stall. This additional shower curtain will help retain the water in the shower floor pan.

Sewer Grinder:

A rep from GA Johnson came in and re-set the water height limit within the sewer pit that will allow the material floating on the surface to be pulled into the grinder.

Plumbing Chases:

We are currently having a trustee clean out the left over materials from the plumbing chases that were left by contractors when the jail was built. Three of the seven pods have been cleaned; however, we are waiting on parts for the dry-vac.

US Marshal Report:

A total of \$76,326.38 was billed to the US Marshal Service for the month of November which includes room & board as well as transportation costs.

A total of \$349,943.40 has been billed to the US Marshal Service since March of 2007.

Full Time Nurse:

In order to comply with jail standards we still need to hire a full time nurse.

Chair McLarty called for the Agenda item "Resignation of Randy Walsh" and the board took all three items, Resignation of Randall Walsh, appointment of interim Jail Administrator and Interim Jail Administrator's Salary.

Board Member Rohde moved, seconded by Board Member Hartnett to accept the Resignation of Randy Walsh as Interim Jail Administrator and to appoint Mark Nelson as interim Jail Administrator at an additional \$300 per week in addition to his regular salary retroactive back to when Mr. Walsh turned in his resignation.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- yea.
UNANIMOUS MOTION CARRIED.

Ron Rapp appeared before the board and explained the coverage and premiums of inmate excess medical reinsurance. There were questions by the board as to how much we have paid, or how much exposure we have had over \$10,000 the last four years and it was decided to study this more until the next meeting.

Chair McLarty reported that he had been given the authority to hire a consultant to see if the slicer was the appropriate device to have rather than a grinder, but he did not do that because the water level has been lowered in the pit and it appears that the slicer is working and doesn't feel that the county needs to hire an engineer at this point.

Chair McLarty did not take up the agenda item "Schedule interviews for Corrections/Jail Administrator Applicants".

Chair McLarty did not take up the agenda item "Employee Handbook" because the members of the board had not had a chance to review it and wished to take it up at the next meeting.

Mark Nelson reported that he would like to hire an additional 4 people for part time help and that he will have a full time position become open and will have to hire for that position.

Chair McLarty informed the board that he and Board Member Hartnett had met with the Sheriff and that there was an agreement signed by the Sheriff. He highlighted points about the contract.

Board Member Hartnett moved, seconded by Board Member Rohde to approve the Contract with the Sheriff as follows and to authorize the chair to sign same.

**AGREEMENT FOR THE OPERATION OF THE DAKOTA COUNTY
CORRECTIONAL FACILITY**

The parties to this agreement are the Dakota County Sheriff ("Sheriff"), the Dakota County Board of Corrections ("Board of Corrections"), and the Dakota County Board of Commissioners ("Board of Commissioners"). The purpose of the agreement is to ensure the continued orderly operation of the Dakota County Correctional Facility from January 1, 2008, through and including January 1, 2011.

The Sheriff agrees that he will assign two deputy sheriffs to the correctional facility. Both Deputy Sheriffs so assigned must also be acceptable to the Board of Corrections. One of said deputy sheriffs shall be present for the shift from 8:00 a.m. to 5:00 p.m. The other deputy sheriff shall handle inmate transportation during the same shift. In addition, a deputy sheriff shall be available and "on call" for transportation issues that arise after those normal business hours. The Sheriff, in the event of an emergency situation, reserves the right to call on these deputy sheriffs to respond to other situations throughout the county as needed so long as it does not disrupt the successful operation of the correctional facility.

The salary and benefit package for two "full-time" deputies will be paid from the jail budget to the sheriff's budget. After-hour emergency transports will be compensated for time worked beyond the normal work shift. Any overnight expenses would be charged to the jail budget. All reasonable expenses incurred to the Sheriff or his budget will be reimbursed via the correctional facility's budget. The Board of Commissioners authorizes the Sheriff to hire two new deputy sheriffs to increase his staff in order to carry out this agreement.

The Sheriff and the Board of Corrections acknowledge the need for the sharing of administrative/clerical assistance. The current administrative assistant, Sandy Dickens, will continue to provide such support to both the Sheriff and the correctional facility. The salary for her work shall be paid (and/or reimbursed) via the Sheriff's budget (40% of said salary) and the correctional facility's budget (60% of said salary).

The Sheriff and the Board of Corrections acknowledge that the Director of Corrections and the Assistant Director of Corrections shall report directly to the Board of Corrections with respect to all matters concerning the correctional facility and that the Sheriff will no longer have a role in supervision of the correctional facility. The facility's staff shall continue on in their employment, but will report to the Director of Corrections and the Assistant Director of Corrections. The merit commission will continue in effect, but expand its membership to five members to include correctional personnel.

The parties will work together in good faith to continue the successful operation of the correctional facility. This includes the continuation of all contracts now in effect for the facility. The Sheriff also agrees to continue to provide the radio frequency and other communications systems now used in the correctional facility.

This agreement shall take effect at 12:00 a.m. on January 1, 2008, and continue on until January 1, 2011. If either of the parties wishes to terminate this agreement prior to January 1, 2011, that party shall provide written notice to the other 60 days in advance by certified U.S. mail with return-receipt service to the appropriate address that appears at the bottom of this document.

James L. Wagner
Dakota County Sheriff
701 West 29th Street
South Sioux City NE 68776

William I. McLarty, Chairman
Dakota County Board of Corrections
PO Box 338
Dakota City NE 68731

William F. Engel, Chairman
Dakota County Board of Commissioners
PO Box 338
Dakota City NE 68731

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, McLarty- Yea, Rohde- yea and O'Neill- Yea.
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Board Member Reports" and there were none.
Chair McLarty did not call for the agenda item "Committee Reports".
Chair McLarty called for the agenda item "Public Comment."
Sally Reinert asked the Board if they could give an illustration of what the levy would do if an inmate had a catastrophic illness without insurance and how it would affect one's taxes. It was noted that the county was up against the maximum levy limit now.

There was no mail or emergency business.

Board Member Rohde moved, seconded by Board Member Hartnett to adjourn.
ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, McLarty- Yea and Rohde- Yea,
UNANIMOUS MOTION CARRIED. 3:15 p.m.



County Board of Corrections

ATTEST:

William McLarty, Chairman

Date Chair signed

Theodore A. Piepho, County Clerk

Date entered in book

Dakota County Board of Corrections
Monday, December 31, 2007
Dakota County Courthouse
County Board Basement Meeting Room
Dakota City, NE 68731

Chair McLarty called their regular meeting to order at 2:00 p.m.

Present were Board Members: Engel, McLarty, Rohde, O'Neill, Hartnett, and County Clerk Ted Piepho, acting Secretary.

Absent: None

The agenda for this meeting was as follows:

1. 2:00 p.m. Call to Order
 - Roll Call
 - Approve minutes of December 17, 2007
 - Payroll Claims - Employee Handbook and Personnel Policies – Sick Leave, Vacation and benefits.
2. 2:01 p.m. Miscellaneous Agenda Items
 - Jail Report
 - Discuss and/or approve inmate excess medical reinsurance
 - Muffin Monster grinder – Report and discussion.
 - Schedule interviews for Director of Corrections / Jail Administrator Applicants.
 - Employee Handbook
 - Review and discussion of Director of Correction Applicants (Executive Session)
 - Personnel Issues (Executive Session)
 - Possible Litigation (Executive Session)
3. Board Committee Reports
4. Board Member Reports
5. Public Comment
6. Mail and/or Emergency Business
7. 2:30 p.m. Adjournment

Board Member Hartnett moved, seconded by Board Member Rohde to approve the minutes of December 17, 2007 as printed and prepared for the Official Record.

ROLL CALL VOTE: McLarty- Yea, Rohde- Yea, O'Neill- Yea, Hartnett- Yea and Engel- Yea.
UNANIMOUS MOTION CARRIED.

Commissioner Rohde vacated his chair and parted the meeting at 2:08 p.m.

It was not necessary to address the Payroll Claims or the Employee Handbook, Personnel Policies, Sick Leave, Vacation and benefits.

Mark Nelson, Interim Jail Administrator, submitted the following Jail Report.

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	40	Male Prisoners:	26
Male Federal Prisoners:	32	Female Prisoners:	6
<u>Total Male Prisoners:</u>	72	<u>Total Old Facility Prisoners:</u>	32
Female Prisoners:	17	Woodbury Juveniles	2
Female Federal Prisoners:	3	Male:	2
<u>Total Female Prisoners:</u>	20	Female:	0
<u>Total Federal Prisoners:</u>	35	Madison Juveniles:	3
<u>Total New Facility Population:</u>	92	Male:	1
		Female:	2
		<u>Total Juvenile Population:</u>	5

Work Release: 4

House Arrest: 5

Other: 1 at D&E

Total Population: 135

Comments:

The trial shower curtain has been ordered from Bobbarker Company, but has not been delivered as of yet.

The small water heater that provides hot water to admin has been repaired.

Additional leg irons have been ordered from Bobbarker Company.

2 full time positions have been filled to cover the 2 c/o's that were hired as deputies.

On December 27, 2007 we had a juvenile flee from a corrections officer while being transported to the Woodbury County Juvenile Detention Facility in Sioux City. The subject was not shackled due to the fact that there were none to be located within the facility because of federal prisoner transports that day & officers not returning them when they are done. This officer was disciplined for his actions on Monday December 31, 2007.

On the morning of December 31, 2007 I was approached by a commissioner about this occurrence.

During this meeting I was talked down to and accused of lying about the fact that there were no leg shackles within the facility. Even though this was not the case, and there was an officer, and a supervisor to attest to it I was told that this commissioner has his sources. I am 40 years old not 12, and will not tolerate being talked to in this manner by this commissioner or anyone else.

I will be the first to admit that this facility has not run as smooth as it did when it was managed by the sheriff's office. The problems arose once the Board of Corrections took over management of the facility, and have been on going long before I took over as Interim Director. I have passed information on to the board members as requested, and have been assured that they will take care of this problem. To this date they have not.

END OF REPORT

Mark said that they had an officer that does not following policy and does things his own way. He doesn't want to listen to authorities. Basically I would sum it up as to say saboteur.

Commissioner O'Neill asked what things were happening that shouldn't be.

Mr. Nelson said, thing are coming up missing, files are coming up missing, personal files are coming up missing,

Ms. O'Neill asked if it would be well to have this person come before us. Do we want to set up a time for it?

Mr. Nelson said he had documentation locked up in a file and could have it for the board on Wednesday.

Mr. Nelson reported that the slicer appears to be working properly and will continue to monitor it.

Chair McLarty called for the agenda item "Discuss and/or approve inmate excess medical reinsurance" and Mr. Ron Rapp approached the Board. He said that he had presented their response for request for proposal to limit the county's liability for inmates that are sick or injured and have to receive treatment outside of the facility.

We present a document like this that shows the various types of coverage's, effective date, the cost and premiums for this specific insurance in question.

He explained that the county could also go with just a third party administrator and what they would do. If that approach was taken he recommended that it be re-advertised.

Commissioner Hartnett revealed some information that Joan, Assistant to the Board, had compiled.

Ms. Hartnett said that in 2003 we were billed \$125,000 and that was negotiated down to \$18,000.

There were other instances where it was negotiated down 40% from what we were billed.

Commissioner Hartnett said that she didn't think that we needed any coverage right now.

Commissioner Rohde asked if Ms. Spencer went back to 2003.

Ms. Spencer reported said that there was the one that Commissioner Hartnett just mentioned. There was another in January 2007 that we were billed \$14,000 and that was negotiated down to \$8,000. The third, we were billed \$38,000 and that was negotiated down to \$16,000.

Chair McLarty called for the agenda item "Review and discussion of Director of Correction Applicants, personnel issues and possible litigation, all which would be in Executive Session."

Debra Fergen, Deputy County Attorney, asked to make a statement before the executive session.

She advised the board that the agenda item "discussion of Director of Correction Applicants" does not qualify for a closed session under Nebraska Statute. She said that an attorney for NACO also agreed and sited and advised the board that none of the closed sessions were qualified for executive session for one reason or another and was a violation of the open meetings act.

Chair McLarty asked if anyone in the audience wished to address the board in open session.

Brenda Kelly, County Correctional Officer, appeared before the board. She said that it was her opinion that a person, which Mark was talking about in his report, does undermine any authority, or all authority figures. She said that documentation has been give about this individual and nothing has been done. She added that it is a lot of people's opinion that since the Board of Corrections has taken over the management has gone down hill. That's not to say that Mark is not doing a good job, but he is doing what he can and doing a good job with what he has been given.

Chair McLarty relinquished his responsibilities as chair and asked Vice Chair Hartnett to conduct the meeting here on concerning this personnel issue.

Vice Chair Hartnett clarified with Ms. Kelly by asking you mean there have been incidents by this individual reported to certain people and nothing has happened. Ms. Kelly confirmed that.

Debra Fergen, Deputy County Attorney, advised Vice Chair Hartnett that if the board wished to hear grievances' of the employees, the board could do that under Public Comment, but if they are asking you to take action as a public body, then you need to put it on another agenda.

Vice Chair Hartnett asked if there were any others that wished to discuss this further or whether the board should put it on a future agenda.

Randy Walsh said he would address one issue while he was interim Director. There was a file cabinet in one of the offices that was broken into and the only thing in that file cabinet was personnel files. That information was turned over and after Mark was appointed interim director, there was a file cabinet in

Mark's Office that was went through and the only files that were there were personnel files of employee's of the Sheriff's Department and jail. They (the supervisor's) know for a fact that at least one item was missing out of a personnel file.

Mr. Walsh continues, saying that Mark talked to the individual and the individual admitted getting into both file cabinets and the information has been turned over to chairman McLarty and also to the County Attorney's Office. The problem is that nothing has been done to this point and it has turned into a drastic moral issue because there are employees thinking nothing is happening and what good is it to keep going the way we are going. It's turned into an issue that something needs to be done. If the Board of Correction is going to take it over, which they have, we need to move forward and get the Director of Corrections in place. There are issues that we work with Mark on and he sited the juvenile taking off on the transporting jailor. The issues with this one individual are about 95% of the moral problem.

Ms. Fergen advised the board how to address the issue by placing the item on the agenda and if they place it on the agenda for a closed session, that individual has a right to have it taken up in open session rather than a closed session. If that person does not request it be taken up in open session, then the board can continue with the item in closed session once proper notice has been given and the item listed with specific clarity. She noted that the individual may have certain rights or protections under the union contract or the Merit Commission.

Commissioner O'Neill asked if the board could take this issue up before their next regular meeting, which is scheduled for two weeks. She said that it was her opinion not to just leave it hanging for two weeks.

Ms. Fergen said it was up to the board whether they feel that this item meets the emergency basis, or requirements for holding an emergency meeting.

The board discussed as possible dates to have a meeting. While discussing dates, Mr. Walsh noted that proper notice of the meeting must be given.

The County Clerk said there was a 5 day notice of Special Meetings. An Emergency Meeting, depending on the nature of emergency can be held before that.

Sally Reinert, a member of the Jail Advisory Committee, asked to address the board and was permitted to do so. She said that Rod Herron wrote a very detailed job description of the Jail Administrator's job. That job description has been approved by the Jail Advisory Committee and thought it had been approved by the board and this person has been given the authority to hire and to fire, with an appeal process to the Merit Commission. You could solve this problem if you were willing to extend that same authority to Mark and then this person would have the recourse to appeal it to the Merit Commission. All the board has to do is to extend those same rights to Mark in the interim.

Ms. Fergen read the requirements for conducting an Emergency Meeting and what has to be done in the event and Emergency Meeting is held.

The board continues to consider when to have a meeting. Vice Chair Hartnett decided to hold an Emergency Meeting at 10:00 a.m. Wednesday, January 2, 2008.

Chair McLarty relinquished his chair responsibilities to Vice Chair Hartnett at 2:30 p.m.

Vice Chair Hartnett relinquished the chair responsibilities back to Commissioner McLarty at 2:48 p.m.

Chair McLarty called for the agenda item "Board Committee Reports" and there were none.

Chair McLarty called for the agenda item "Board Member Reports" and there were none.

Chair McLarty called for the agenda item "Public Comment" and Commissioner O'Neill spoke up that she was reading her letter (from Rod Herron) and she thought the best way to solving it was to get the report out.

Commissioner O'Neill read the letter from Rod Herron as follows.

December 21, 2007

Chairman of the Board: William Engel
Dakota County Commissioners

Chairman of the Board: William McLarty
Dakota County Board of Corrections

Re:

Defamation of Character

Gentlemen,

I am requesting that statements made publically in the Board of Commissioners meetings and Board of Corrections Meetings pertaining to the investigation conducted by Spencer, Fane, Britt and Brown Law Firm out of Omaha over this past year be retracted and corrected as I was a witness in the investigation and was lead to believe by those attorneys that my name was not going to be released.

Over the last several months one of your board members has categorically addressed the media in regards to my involvement into wrong doing within the Sheriffs Department which has damaged my reputation. It is with these statements that I am asking each of you to publically clear my name as you have created a hostile work environment for me. As you are well aware I did speak to this Law Firm voluntarily when asked by Mark McQueen to do so. I was asked only questions about another named party and questions regarding my personal life which is none of either Boards business. Yet these boards allowed a person to single me out and discriminated against me for cooperating with your investigation.

These outbursts of non-factual information have tarnished not only me, but have caused members of my family problems as well.

I am asking that you clarify this immediately in the next board meetings of both boards as to my involvement. I am aware that you know I was not the party being investigated so this needs to be clarified.

Sincerely,

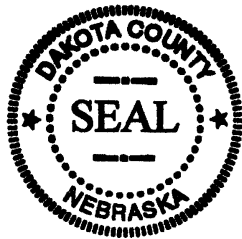
Rodney Herron

Commissioner O'Neill said that the only way she thought to get to the bottom of all this is to get the report, let us look at it and I think there are some things in there that you need to know. She said that she was there when they interviewed two of the people that talked on this. I know what is in those reports and she thought the board needs to know also.

Chair McLarty spoke and said that Chief Deputy Herron did comply with all requests in that investigation. I think that he is accurate, but he didn't know one way or the other and added that he (Mr. McLarty) had not reason to doubt it. To the best of Mr. McLarty's knowledge, he's (Mr. Herron) has done what he has said he has done and Mr. McLarty doesn't know anything more than that. Chair McLarty asked for other comments and there were none.

With no further business Chair McLarty entertained a motion to adjourn.

Board Member Hartnett moved, seconded by Board Member O'Neill to adjourn.
ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, McLarty- Yea, Rohde- yea and O'Neill- Yea.
UNANIMOUS MOTION CARRIED. 2:52 p.m.



ATTEST:

County Board of Corrections

William McLarty, Chairman

Date Chair signed

Theodore A. Piepho, County Clerk

Date entered in book