

Dakota County Board of Corrections  
Monday, January 11, 2010, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members Gomez, Rohde, McLarty, Bousquet, McNear and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: None.

Commissioner Rohde nominated Commissioner McLarty to serve as the 2010 Chair to the Board of Corrections. Commissioner Gomez seconded the nomination.

Commissioner Bousquet moved, seconded by Commissioner Rohde that nominations cease and that the Secretary cast a unanimous ballot for Commissioner McLarty to serve as the 2010 Chair of the Board of Corrections.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Commissioner McNear nominated Commissioner Bousquet to serve as the 2010 Vice-Chair to the Board of Corrections. Commissioner Rohde seconded the nomination.

Commissioner Rohde moved, seconded by Commissioner McNear that nominations cease and that the Secretary cast a unanimous ballot for Commissioner Bousquet to serve as the 2010 Chair of the Board of Corrections.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

The agenda for this meeting was as follows:

Call to Order

A current copy of the *Open Meetings Act* is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous meeting.

Reorganization Meeting Called to Order

- Reorganization Agenda Items
- Nominations for Chairperson
- Motion for nominations to cease and Roll Call Vote.
- Vote by secret ballot if more than one Board Member was nominated.
- Nominations for Vice-Chair
- Motion for nominations to cease and Roll Call Vote.
- Vote by secret ballot if more than one Board Member was nominated.

Miscellaneous Agenda Items

- Jail Report.

- Board Committee Reports
- Board Member Reports
- Public Comment
- Mail and/or Emergency Business
- Adjournment

Chair McLarty called for the agenda item "Jail Report".  
Terry Kern stepped up to the podium and gave the following report:

JAIL REPORT  
JANUARY 11, 2010

Average Daily Population

*December:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
90	28	2	118

*2009 Calendar:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
96	34	2	130

*Fiscal 2009/2010:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
97	33	2	130

Marshals Income:

*December: \$56,309.50*

*Fiscal 2009/2010: \$330,212.05*

*Calendar 2009: \$831,854.92*

Per Diem Cost per Inmate:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$58.76	\$45.92	\$44.02	\$46.85	\$42.31	\$44.81	\$54.67	\$47.27	\$49.52	\$45.14	\$53.10	\$66.88
Fiscal 2009/2010: <b>\$52.25</b>											
Calendar 2009: <b>\$49.66</b>											
Juvenile Per Diem December: <b>\$134.78</b>											
Juvenile Per Diem Calendar 2009: <b>\$169.65</b>											
Juvenile Per Diem Fiscal2009/2010: <b>\$145.98</b>											

The jail expended 46% of its authorized budget and is 4% or **\$116,584.00** under budget.

There were 27 pay periods in 2009-one more than normal- and 15 of them fell after July 1<sup>st</sup> which is when the pay raises took effect. As a result the per diem cost for the first half of the year averaged \$47.05 and \$52.76 for the second. Had the pay period been split evenly the costs would have been \$48.75 and \$51.00 respectively. December was particularly high because of 3 pay periods and the Thanksgiving holiday pay appeared in the first one. Without that increase the per diem would have been \$54.38. In fact January, July and December had the highest per diem costs and each month had 3 pay periods.

Attached are the month by month population figures for the two year period 2008 and 2009. We were fairly stable at 80 in 2008 and then increased to an average of 87 in the first 4 months of 2009. We then jumped to 100 in the last 8 months of the year. We are dropping in population at this time with an average of 83 County inmates and we will closely monitor the first quarter of 2010.

We received our first ICE detainees last month. We have moved our work release inmates to the old jail because they are minimum security inmates. The work release living area is being used for ICE detainees and we can hold up to 10 males. These inmates were not projected in our Federal population estimate of 30 ADP when the budget was prepared. Their numbers may help us to reach that projection given the USMS shortfall. We are averaging 30 Federal inmates this month and ICE detainees help to raise our Federal revenue to a 4 month high.

We experienced water leaks in the ceiling of the new building on Sunday the 10<sup>th</sup>. Tiles fell from the ceiling in B POD. As this is a 22 foot drop we evacuated the POD to prevent injury since other tiles were wet and in danger of falling. Similar leaks were found in C and D PODS, Satellite, and the hallway between Satellite and the kitchen. In speaking with the contractor the most likely cause is snow drifted against the roof units causing a blockage of the air exchange system. This would result in moisture condensation along the heat runs. We are in the process of removing snow from the roof and these units. We will know by Wednesday if this is the problem or a roof leak is the cause.

Average Daily Population  
(ADP)  
Table One

COUNTY 2008		FEDERAL 2008		Total 2008	
January	85.81	January	36.45	January	122.26
February	74.83	February	33.34	February	108.17
March	79.23	March	34.90	March	114.13
April	98.67	April	38.67	April	137.33
May	87.90	May	42.97	May	130.87
June	80.30	June	45.10	June	125.40
July	75.25	July	48.03	July	123.31
August	72.18	August	43.32	August	115.50
September	80.02	September	46.26	September	126.28
October	74.60	October	49.22	October	123.82
November	75.02	November	50.50	November	125.52
<u>December</u>	<u>81.08</u>	<u>December</u>	<u>47.54</u>	<u>December</u>	<u>128.62</u>
Average	80.40	Average	43.02	Average	123.39

COUNTY 2009		FEDERAL 2009		Total 2009	
January	88.93	January	47.06	January	135.99
February	85.48	February	46.04	February	131.52
March	85.52	March	44.54	March	130.06
April	88.60	April	41.15	April	129.75
May	101.60	May	35.61	May	136.03
June	97.66	June	35.26	June	136.86
July	111.44	July	32.19	July	143.60
August	97.18	August	29.00	August	126.19
September	100.88	September	25.49	September	129.37
October	101.45	October	22.16	October	125.32
November	96.59	November	25.40	November	121.99
<u>December</u>	<u>90.09</u>	<u>December</u>	<u>27.90</u>	<u>December</u>	<u>117.99</u>
Average	95.45	Average	34.31	Average	130.38

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

Board Member Rohde moved, seconded by Board Member Bousquet to adjourn at 4:22 p.m.  
ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde- Yea, Bousquet- Yea,  
UNANIMOUS MOTION CARRIED.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday, February 8, 2010, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members Gomez, Rohde, McLarty, McNear and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: Board Member Bousquet.

The agenda for the meeting was as follows:

Call to Order

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous meeting.

Terry Kern – Corrections Administrator

- Amend CBM Food Contract to reflect 2 hot meals per day.
- Approve increasing the hot meals to two a day.
- Would increase the price of the meal 5 cents per meal

Miscellaneous Agenda Items

- Jail Report.
- Authorize Chair to sign letter of employment agreement with Terry Kern, Director of Corrections
- Creation of County Merit Commission for Jail employees
- Select members of the Board to serve on the Commission.

Board Committee Reports  
Board Member Reports  
Public Comment  
Mail and/or Emergency Business  
Adjournment

Chair McLarty called for the agenda item “Approve minutes of previous meeting.”

Board Member Rohde moved, Seconded by Board Member McNear to approve the minutes of January 11, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Terry Kern – Corrections Administrator.”

JAIL REPORT  
FEBRUARY 8, 2010

Average Daily Population

January:

County Inmates	Federal Inmates	Juveniles	Total In-House-Population
81	28	1	109

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total In-House-Population
81	28	1	109

Fiscal 2009/2010

County Inmates	Federal Inmates	Juveniles	Total In-House-Population
99	27	2	125

Federal Income:

January Marshals: \$52,641.00  
January ICE: \$3,575.00  
Calendar 2010 Federal: \$56,216.00  
Fiscal 2009/2010 Federal: \$387,338.05

Per Diem Cost Per Inmate

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36											

Fiscal 2009/2010: \$53.42  
Calendar 2010: \$57.36  
Juvenile Per Diem January: \$149.72  
Juvenile Per Diem Calendar 2010: \$149.72  
Juvenile Per Diem Fiscal 2009/2010 \$159.68

The jail has expended 53% of its authorized budget and is 5% or \$138,324.40 under budget.

1) The Jail Standards Board provided us with formal notification on January 22nd that the Dakota County Jail is not in compliance with minimum jail standards for Emergency Procedures. We were out of compliance with 20 items on the November 18, 2009 inspection. We were found to be in compliance with 14 of those on a January 21, 2010 re-inspection.

Five of the remaining items will be fixed at the same time during this month starting tomorrow at a cost of \$5,000.00. That leaves only the post indicator valve to repair. There is an alternate proposal under consideration for that. If the proposal is accepted we could be in full compliance by March 1<sup>st</sup>.

2) The County and the F.P.O. signed a contract on December 28, 2010. There is a provision in that contract to create a County Merit Commission for Correctional employees. This would be patterned after the Sheriff's Merit Commission. A copy of the agreement is attached. The Merit Commission in place follows specific requirements of Nebraska law. There are no such requirements for the one agreed to in the contract. Therefore, the question remains as to what form the Commission would take and what authority it would have.

We have testing for entry level candidates set for March 13<sup>th</sup>. The testing criteria are the same as in previous years when the jail was under the Sheriff's Office. We use the same written, personality, and agility exams. These are job related and meet the standards for content and criterion validity. So, the only immediate issue is the composition of an oral board and an eligibility list.

3) I asked CBM Foods for a proposal for the cost associated with providing two hot meals instead of one. The largest numbers of grievances concern the fact that cold meals are served both morning and afternoon. The standard practice has become two hot meals per day. This would alleviate a significant number of complaints and inmate problems. The cost increase is negligible at five cents per plate. There is sufficient money in the line item to absorb that cost.  
Board Member Gomez moved, seconded by Board Member Rohde to amend the CBM Contract to include another hot meal, which increases the meal five (5) cents and to authorize the Chair to sign the amended Agreement.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Absent.  
UNANIMOUS MOTION CARRIED.

Board Member Rohde moved, seconded by Board Member McNear to approve the following Letter of Employment Agreement with Terry Kern authorizing a \$1,000 increase in salary and to authorize the chair to sign said agreement.  
February 8, 2010

Mr. Terry Kern  
Director of Corrections  
PO Box 305  
Dakota City NE 68731

Dear Terry:

This will memorialize our understanding regarding your employment as Dakota County's Director of Corrections as agreed at your second-year performance evaluation. Your annual salary will be \$50,000 and will be paid bi-weekly. To coincide with the County's budget year, your annual salary will be increased by \$1,000 on July 1, 2010.

You will continue to receive the standard insurance, sick leave, and retirement benefits in accordance with current county policies. The County Employee Handbook will continue to govern our relationship.

You will earn two weeks vacation at your February 5, 2010, one-year anniversary, three weeks after ten years of service, and four weeks after fifteen years of service. Dakota County will continue to supply you with a mobile phone for your work needs. You have successfully completed the Nebraska jailer certification course during your first year and you have completed the Nebraska jail supervisor/manager certification course.

As provided in the Employee Handbook, you will be an at-will employee of Dakota County, which means that either you or Dakota County can terminate the employment relationship at any time. If any of the foregoing is inaccurate, please advise. Otherwise, please sign below indicating your understanding. Thank you.

Sincerely,

William I. McLarty, Chairman  
Dakota County Board of Corrections  
William I. McLarty, Chairman  
Dakota County Board of Commissioners

\_\_\_\_\_  
Terry L. Kern, Director of Corrections

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "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 "Creation of County Merit Commission for Jail employees."  
Board Member Rohde moved, Seconded by Board Member Gomez to appoint the same member to the Jail Employees Merit Commission and is on the Sheriff's Deputies Merit Commission except that Terry Kerns be the member of the Jailer Commission instead of Sheriff Wagner and that a Jailer be appointed in the place of Jeremy Bermel.  
ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Absent, Rohde-Yea and McNear- Yea.  
UNANIMOUS 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.

Board Member Gomez moved, seconded by Board Member McNear to adjourn at 4:21 p.m.  
ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde- Yea, Bousquet- Absent,  
UNANIMOUS MOTION CARRIED.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday, March 8, 2010, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members Gomez, Rohde, McLarty, McNear, Bousquet and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: None

The agenda for the meeting was as follows:

Call to Order

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous meeting

Terry Kern – Corrections Administrator

- Jail Report

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Chair McLarty called for the agenda item “Approve minutes of previous meeting.”

Board Member McNear moved, Seconded by Board Member Gomez to approve the minutes of February 8, 2010, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item “Terry Kern, Corrections Administrator, to give a jail report.”

Mr. Kern stepped up to the podium and gave the following report:

JAIL REPORT  
MARCH 8, 2010

Average Daily Population

February:

County Inmates	Federal Inmates	Juveniles	Total-In-House Population
79	27	2	106

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
80	27	2	107

Fiscal 2009/2010

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
95	27	2	112

Federal Income:

February Marshals: \$46,576.50  
February ICE: \$2,795.00  
Calendar 2010 Federal: \$102,792.50  
Fiscal 2009/2010 Federal: \$433,914.55

Per Diem Inmate Cost:

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36	\$62.45										

Fiscal 2009/2010 \$53.81  
Calendar 2010 \$60.13  
Juvenile Per Diem February: \$109.04  
Juvenile Per Diem Calendar: \$129.38  
Juvenile Per Diem Fiscal 2009/10: \$138.00

The jail has expended 60 % of its budget and is 7 % or \$194,427.40 under budget.

Two thirds of the current fiscal year has passed. The jail has expended \$19,000.00 more than at the same point in the previous fiscal year and \$37,000.00 less than at this point in the previous calendar year. The increase in the per diem cost is attributable to a drop in jail population. The first two months of 2009 saw an ADP of 133.75 and in 2010 it's 107.33.

So, the costs are distributed across a smaller population accounting for a higher per inmate cost. Jail average daily population for February was a twenty-six month low. The average for the first eight days of March has been 97.75 in-house County/Federal.

Nevertheless, I will be attending the annual jail conference in Kearney next month where I will meet with Jail Standards to increase our authorized capacity from 99 to 104. This will position us to better handle seasonal influxes. If the weather permits, the last correction for the Fire Marshal will have been made prior to the conference and full compliance with Jail Standards will be given at this same conference.

There have been many compliments concerning the two hot meal programs.

Chair McLarty called for the agenda item "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."

Ms. Dorothy Westin asked why the jail population was down in February.

Mr. Kern responded by saying that traditionally February the population is less for whatever reason.

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

Board Member Gomez moved, seconded by Board Member Rohde to adjourn at 4:09 p.m.

ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday, April 5, 2010, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members Gomez, Rohde, McLarty, McNear and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: Board Member Bousquet

The agenda for the meeting was as follows:

Call to Order

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report
- Recess to end of County Commissioners Meeting for Jail tour.
- Jail Tour

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Chair McLarty said that Commissioner Bousquet wished to be excused.

Board Member Rohde moved, seconded by Board Member McNear to excuse Board Member Bousquet for his absence.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve minutes of previous meeting."

Board Member McNear moved, Seconded by Board Member Gomez to approve the minutes of March 8, 2010, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Terry Kern, Corrections Administrator, to give a jail report."

Mr. Kern stepped up to the podium and gave the following report:

JAIL REPORT  
APRIL 5, 2010

Average Daily Population

*March:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
71	28	2	99

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
77	28	2	105

Fiscal 2009/2010

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
92	27	2	120

Federal Income:

*March Marshalls:* \$52,928.50

*March ICE:* \$6,175.00

*Calendar 2010 Federal:* \$161,966.00

*Fiscal 2009/2010 Federal:* \$493,088.05

Per Diem Inmate Costs

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36	\$62.45	\$55.75									

Fiscal 2009/2010: \$54.05

Calendar 2010: \$58.67

Juvenile Per Diem March: \$293.48

Juvenile Per Diem Colander: \$124.28

Juvenile Per Diem Fiscal: \$134.71

The jail has expended 66% of its authorized budget and is 9% or \$248,363.00 under budget.

(1)

There is a Jail Conference in Grand Island April 21-23. Jail Standards will be holding its quarterly meeting there. We will be presenting our requests for five additional beds in the Main Facility. We have completed all the modifications necessary to fully comply with the Fire Marshall's Order of last November. I have advised the Fire Marshall of such and asked that he notify Jail Standards of that fact.

It is my hope that Jail Standards will find us in full compliance with all minimum standards at this same conference as opposed to having to wait for another meeting in Lincoln.

We have experienced the resignation of three Correctional Officers and those will be effective by April 18<sup>th</sup> or before. One person has taken a position in maintenance in the private sector and two have accepted positions as sworn peace officers with different law enforcement agencies. This means that the jail will be short a total of 4 persons soon.

A copy of the agreement with the union is attached. I am preparing a policy as required by that agreement for your review. At a previous Board meeting it was decided to use the current Sheriff's Merit Commission membership with a Correctional Officer substituting for the Deputy Sherriff. That would work but we still need a policy in place and Van Phillips has been out of town for the winter. We need to schedule oral examinations. All other testing as specified by the Sheriff's Merit Commission has been completed and we have 17 persons waiting for an oral examination.

I will have a draft copy of the policy for you, the union and the County Attorney by the end of the week. For the most part it incorporates word-for-word the provisions of the current Commission.

Board Member Gomez moved, seconded by Board Member McNear to adjourn at 4:15 p.m.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Absent.  
UNANIMOUS MOTION CARRIED 4:15 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday, April 19, 2010, Special Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:02 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members Gomez, Bousquet, McLarty, McNear and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: Board Member Rohde

The agenda for the meeting was as follows:

Call to Order

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

Approval of Rules and Regulations for Dakota County Correctional Officers' Merit Commission to satisfy side letter of agreement #2 between Dakota County and the Fraternal Order of Police Lodge #49.

Adjournment

Chair McLarty said that Commissioner Rohde wished to be excused.

Board Member McNear moved, seconded by Board Member Gomez to excuse Board Member Rohde for his absence.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve minutes of previous meeting."

Board Member Gomez moved, seconded by Board Member McNear to approve the minutes of April 5, 2010, as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Yea, Rohde- Absent, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Terry Kern, Corrections Administrator, Approval of Rules and Regulations for Dakota County Correctional Officers' Merit Commission to satisfy side letter of agreement #2 between Dakota County and the Fraternal Order of Police Lodge #49."

Mr. Kern stepped up to the podium and said that he had brought the agreement between the county and the Fraternal Order of Police Lodge #49. He said there was a side agreement that creates a Merit Commission for the Correctional Employees consisting of three members one is on the Board of Commissioners, one is selected by the Fraternal Order of Police Lodge #49 and one is appointed by the Board of Commissioners.

Mr. Kern said that he told the Board and the Union that he would provide them with a copy of the rules and regulations and said that had been done prior to the board meeting and asked if everyone had received their copies.

What they consist of is exactly what the letter requires him to do and that is to incorporate the provisions of the Sheriff's Office Commission Rules and Regulations that apply to correctional officers in those areas and it contains word for word out of that system.

The difference is that the Sheriff's Office Merit Commission is provided for and governed by statutes of Nebraska Chapter 23. This is no more than what the county agrees to do or what not to do. They have seen this document and they do not have a problem with it, so if the Board agrees to this, then we, the county, will have met their obligation to this letter of agreement and this would go into effect 10 days of the adoption of this. He went on to explain that the Merit Commission Members would have to meet to come up with an eligibility list of individuals that can be hired because there are four (4) vacancies in the Correctional Department.

Board Member Bousquet moved, seconded by Board Member McNear to adopt the Merit Commission for the Correctional Officers, the policies in the printed document.

ROLL CALL VOTE: Rohde- Absent, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty adjourned the Board of Corrections at 4:08 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday, May 3, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Commissioners McLarty, Bousquet, Rohde, McNear and Gomez. Absent: none.  
Joan Spencer, Board Administrative Assistant, acted as secretary.

The agenda for the meeting was as follows:

Call to Order with Pledge of Allegiance to the US Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting/s.

Terry Kern – Corrections Administrator

- Jail Report

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Bousquet moved, seconded by Board Member McNear, to approve the minutes of April 19, 2010, as typed and prepared for the Official Record.

Roll Call: Bousquet- yea, Rohde-yea, McNear- yea, Gomez- yea, McLarty- yea. Motion carried.

Director of Corrections, Terry Kern, gave the Jail Report. The month of April average inmates were 79 county, 30 federal and 4 juvenile for a total in-house average of 109. The 2010 calendar year inmate average is a little higher and the 09-10 fiscal year average shows a slight downtrend. Income for housing federal inmates in April is \$54,266, ICE inmates was \$4,160 for a total of \$58,426. The calendar year federal approximate income is \$220,000 and the budget year federal income is \$551,000. The inmate per diem cost was \$55.35. The juvenile per diem cost for April was \$54 and year average to date is \$108. Mr. Kern stated that they have expended 73% of their budget.

Mr. Kern and Commissioner McLarty were in Kearney at the Jail Standards Board Quarterly meeting. They requested and were granted additional bed space of three (3) female and two (2) male for five (5) additional totaling 104 beds authorized in the main jail and 146 over all.

The Fire Marshall were also present in Kearney and stated that the required updates were completed and full compliance will be granted subject to a final inspection.

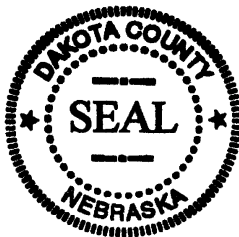
The Merit Commission will meet on May 6<sup>th</sup> at 7:00 p.m. Discussion at that meeting will be entry level oral examinations that have been scheduled for May 12<sup>th</sup>. Promotional and written exams will also be discussed.

Mr. Kern stated that a representative from FEMA was here today gathering information on expenses from the past winter storm for possible reimbursement to the general fund.

Projected federal income and state reimbursement for the jail was briefly discussed.

There were no Board Committee Reports, Board Member Reports, Public Comment, Mail and/or Emergency Business.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn the meeting. Roll Call: Bousquet- yea, Rohde- Yea, McNear- yea, Gomez- yea, McLarty- yea. Motion carried at 4:07 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Tuesday June 1, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Board Members McLarty, Bousquet, Rohde, McNear and Ted Piepho, County Clerk and Board Secretary. Absent: Gomez.

Board Member Bousquet moved, seconded by Board Member McNear to excuse Board Member Gomez for his absence.

ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

The agenda for the meeting was as follows:

Call to Order with Pledge of Allegiance to the US Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting/s.

Terry Kern – Corrections Administrator

- Jail Report

Miscellaneous Agenda Items

- Consider approving contract amendment between the jail and CBM to cater meals and snacks for jury's. Action on amending the contract.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Bousquet moved, seconded by Board Member Rohde, to approve the minutes of May 3, 2010, as typed and prepared for the Official Record.

Roll Call Vote: Bousquet- yea, Rohde-yea, McNear- yea, Gomez- Absent, McLarty- yea. Unanimous Motion carried.

Director of Corrections, Terry Kern, gave the Jail Report. The month of May average inmates were 78 county, 36 federal and 4 juvenile for a total in-house average of 115. The 2010 calendar year inmate average is 78 county, 30 federal and 3 juvenile for a total in-house average of 106. Fiscal 2009/2010 inmates were; 90 County, 28 federal and 3 juveniles for a total in-house average of 118.

Income for housing federal inmates in May is \$68,705.00, ICE inmates was \$3,575.00 for a total of \$72,280.00. The calendar year federal approximate income is \$292,672.00 and the budget year federal income is \$623,794.00.

The inmate per diem cost was \$48.79 for May.

Mr. Kern said that he had been requested to see if CBM Foods would cater meals for the upcoming trial and that the agreement with CBM had to be amended. He presented the following Amendment to the Food Contract with CBM.

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

Food Service Exclusivity

This amendment to the original contract is entered into this 7th day of May, 2010 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Managed Services address 2219 East Benson Road, Sioux Falls, South Dakota 57104.

Pursuant to item 4.0 of the entire agreement, the parties agree to grant first-choice rights to any and all food service projects with the confines of the County Courthouse, including but not limited to catering, jury meals and special events.

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 1 day of June, 2010  
DAKOTA COUNTY, NEBRASKA:

Dated this 7th day of May, 2010  
CBM Food Service  
/s/ Shane V. Sejnoha

/s/ Terry Kern  
Jail Administrator

/s/ Signature not legible  
Witness

Board Member Bousquet moved, seconded by Board Member Rohde to accept and approve the amendment to the CBM Food Service Contract as presented by Terry Kern and to authorize the chair to sign same.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Absent, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

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

Chair McLarty called for the Agenda Item "Adjournment" being there was no further business.

Board Member Rohde moved, seconded by Board Member McNear to adjourn the meeting.

Roll Call Vote: Bousquet- yea, Rohde- Yea, McNear- yea, Gomez- Absent, McLarty- yea. Unanimous Motion carried at 4:07 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
Monday June 28, 2010, Special Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Board Members McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk and Board Secretary. Absent: No one.

The agenda for the meeting was as follows:

Call to Order with Pledge of Allegiance to the US Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting/s.

Notice is hereby given that the Dakota County Board of Corrections will hold a special meeting beginning at 4:00 p.m. Monday, June 28, 2010, at the Dakota County Courthouse in the lower level County Board meeting room, 1601 Broadway, Dakota City, Nebraska, for the purpose of discussing and approving an Employment Agreement with Terry Kern and approving the minutes of the June 1, 2010 meeting.

Board Member Bousquet moved, seconded by Board Member McNear, to approve the minutes of June 1, 2010, as typed and prepared for the Official Record.

Roll Call Vote: Bousquet- yea, Rohde-yea, McNear- yea, Gomez- Absent, McLarty- yea. Unanimous Motion carried.

The Employment Agreement with Terry Kern, Jail Administrator, was discussed and it was not finalized and was not ready for approval. Therefore it will be carried as an agenda item on the next Board Meeting Agenda July 12, 2010.

Board Member Bousquet moved, seconded by Board Member McNear to adjourn the meeting.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED at 4:07 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty  
Chair

\_\_\_\_\_  
Date Chair Signed

\_\_\_\_\_  
Theodore A. Piepho  
County Clerk

\_\_\_\_\_  
Date entered in book

Dakota County Board of Corrections  
 Monday July 12, 2010, Regular Meeting  
 Dakota County Courthouse  
 County Board Lower Level Meeting Room  
 Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.  
 Present: Board Members McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, County Clerk and Board Secretary. Absent: No one.

The agenda for the meeting was as follows:  
 Call to Order with Pledge of Allegiance to the US Flag.  
 A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report
- Approve the contract with CBM Foods for the jail covering the contract year January 1, 2011 to December 31, 2011.
- Approve Employment Agreement between Terry Kern and the County.

Miscellaneous Agenda Items

Board Committee Reports  
 Board Member Reports  
 Public Comment  
 Mail and/or Emergency Business  
 Adjournment

Board Member Gomez moved, seconded by Board Member McNear to approve the minutes of June 28, 2010 as typed and prepared for the Official Record.  
 ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item “Jail Report”.  
 Terry Kern stepped up to the podium and gave the following report.

**JAIL REPORT  
 JULY 1, 2010**

**Average Daily Population**

**June:**

<b>County Inmates</b>	<b>Federal Inmates</b>	<b>Juveniles</b>	<b>Total-In-House-Population</b>
69	34	4	103
(98)	(35)	(2)	(137)

**2010 Calendar:**

<b>County Inmates</b>	<b>Federal Inmates</b>	<b>Juveniles</b>	<b>Total-In-House-Population</b>
76	30	4	106
(91)	(42)	(3)	(133)

**Fiscal 2009/2010:**

<b>County Inmates</b>	<b>Federal Inmates</b>	<b>Juveniles</b>	<b>Total-In-House-Population</b>
88	29	4	117
(84)	(45)	(4)	(128)

**Federal Income**

June Marshall: \$64,590.00  
 June ICE: \$2,990.00  
 Total Federal: \$67,580  
 Calendar 2010 Federal: \$362,925.50  
 Fiscal Marshal: \$672,592.55  
 Fiscal ICE: \$23,673.00  
 Fiscal 2010 Federal: \$696,265.55

**Per Diem Inmate Costs**

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60						
Fiscal 2010: \$54.38 (\$47.10)											
Calendar 2010: \$57.17 (\$49.37)											
Juvenile Per Diem June: \$88.28											
Juvenile Per Diem Fiscal: \$92.92 (\$117.07)											

**EXPENDITURES**

The jail has expended 87% of its authorized budget and finished Fiscal 2010 13% under budget or \$369,861 as compared to 11% under budget or \$307, 457 last year. The jail spent \$2,389,719 as compared to \$2,399,077 last year or \$9,358 less than last year.

There are several reasons for our decreased expenditures. We had several inmates not charged with serious offenses who developed serious medical conditions/complications requiring hospitalization. The County Attorney's Office would approach Judge Rager in these cases and secure a personal recognizance bond which freed the inmate from our custody as well as the expense. This cooperation saved thousands in medical expenses and it is very much appreciated. Secondly, we experienced a 22% drop in the average daily population in the second half of the period. This reduced overall inmate costs.

INCOME

	<u>\$FY 2008</u>	<u>\$FY 2009</u>	<u>\$FY 2010</u>
United States Marshals Service	796,793.09	1,080,118.82	672,592.55
ICE	-----	-----	23,608.00
State Prisoner Reimbursement	120,704.55	55,912.50	127,767.87
Inmate Phones	24,409.53	25,168.81	15,144.06
SCAPP Reimbursement	25,268.00	29,344.00	47,059.00
Work Release	38,115.00	44,895.00	38,855.00
House Arrest	9,505.00	10,390.00	3,945.00
Housing Other Jurisdictions	2,380.00	12,260.00	260.00
Fingerprints	765.00	645.00	650.00
Miscellaneous	89.12	2,616.00	27,006.50
<b>Total</b>	<b>\$1,015,649.29</b>	<b>\$1,200,607.60</b>	<b>\$956,675.68</b>

The jail generated \$956,675.68 in revenue from all sources or revenue sufficient to cover 40% of its expenditures. On July 13<sup>th</sup> last year I reported to the Commission that the jail would in this fiscal year just completed produce the lowest revenue in three years which it did. I predicted total jail revenue of one million dollars which we did not achieve. We fell short of that by just under \$44,000.00. A comparison of the number of Federal Inmates explains the shortfall. We had an average daily population of Federal inmates, including ICE, of twenty-nine compared to forty-five last year and thirty-three the year prior to that. If the upturn in Federal numbers had come two months earlier we would have made projections.

In the last three years the jail has spent \$6,923,645.00 and generated \$3,172,932.00 which subsidized 46% of its expenditures with non-property tax funds.

ANTICIPATED REVENUE

Revenue for Fiscal 2011 is estimated as follows: USMS \$711,750.00; ICE \$ 35,600.00; Jail Reimbursements \$101,000.00; SCAP \$34,000.00; and \$61,000.00 from all other sources for a total of \$943,350.00. It is possible that three revenue sources will allow us to exceed this projection: a negotiated 22% increase in telephone fees effective October 1, 2010; the final jail reimbursement could match either 2008 or 2010; and the upturn in Federal numbers could bring \$800,000.00. In this case we will fall somewhere between 2008 and 2009 revenues.

If we do see a million dollars in revenue this fiscal year it will probably be the last time. It requires an increase of slightly more than four in the average daily population of Federal inmates just to equal the average of the lost Nebraska Jail Reimbursement revenue. That revenue represents 10% of the last three years and 13% of last year's income. Such an increase over and above current levels is unlikely. In a likely best case scenario the jail will again produce sufficient revenue to subsidize 40%-42% of its operational costs.

Significant Points

During this last year several options were explored by members of the Board, Citizens Advisory Committee and I to finance the completion of Phase 2 of the jail. Public opposition to the use of general obligation property tax bonds was such that it was not an option and so it was not considered. Two promising options were fully explored but conditions do not exist to adopt either of those options; either now or in the immediate future. The construction of Phase 2 cannot be undertaken.

This leaves us with the current use of both the old and the new jail. To help relieve crowding and make this situation workable, Nebraska Jail Standards approved five additional beds in the new jail and those beds are now available. This brings our authorized occupancy to 105 in the new facility and 146 over-all.

There is still the possibility that a particular circumstance could force closing the old jail. We are left with no alternative but to take every precaution possible and make whatever repairs are necessary to forestall that day and deal with it however we can when it arrives.

The occupancy levels coupled with the loss of state prisoner reimbursements will leave future revenues flat against inflationary increases in expenditures. The effect of this will not be clearly seen for several years but the fiscal 2015 report will probably show that revenues will have dropped to 33% of expenditures.

The County Court House has a tight parking situation and the area west of the new jail intended for Phase 2 is open. This could be graveled or otherwise made all-weather for use as a parking area.

Chair McLarty called for the Agenda Item "Approve the contract with CBM Foods for the jail covering the contract year January 1, 2011 to December 31, 2011".

Continued from previous page

**AMENDMENT TO  
FOOD SERVICE CONTRACT BETWEEN  
DAKOTA COUNTY NEBRASKA AND CBM MANAGED SERVICES**

This amendment to the original contract is entered into this 4<sup>th</sup> day of February, 2010 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Managed Services 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, 2011 through December 31, 2011). New prices will take effect on January 1, 2011.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.97	\$2.05	\$2.12	\$2.24	\$2.36	\$2.52	\$2.70
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
CPI Rate Adjustment of 2.0%	\$2.01	\$2.09	\$2.16	\$2.28	\$2.41	\$2.57	\$2.75

*CPI Rate Adjustment 2.0%*

These prices were calculated according to the Consumer Price Index, Midwest Region, Food Away from Home for the previous twelve months.

A minimum price adjustment of 2% may be applied when the Consumer Price Index for Food Away from Home falls below 2%. Additional adjustments may be made where circumstances beyond the control of either party require adjustments due to a federally mandated legislation for medical coverage and any other uncontrollable circumstances.

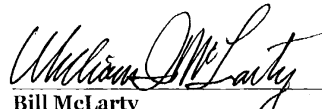
This amendment shall be attached to the original contract as an addendum and all other original contract provisions shall remain in full force and effect.


Dated this 12 day of July, 2010


Dated this 18<sup>th</sup> day of June, 2010

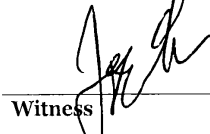
DAKOTA COUNTY, NEBRASKA:

CBM FOOD SERVICE:

  
Bill McLarty

  
Terry Kern  
Jail Administrator

  
Shane V. Sejnoha  
President of Corrections

  
Witness

Board Member Bousquet moved, seconded by Board Member Rohde to approve the Contract with CBM Foods raising the cost of meals from; \$1.97 to \$2.01 for 140+, \$2.05 to \$2.09 for 130 to 139, \$2.12 to \$2.16 for 120 to 129, \$2.24 to \$2.28 for 110 to 119, \$2.36 to \$2.41 for 100 to 109, \$2.52 to \$2.57 for 90 to 99 and \$2.70 to \$2.75 for 80 to 89, as presented and to authorize the Chair to sign said Contract. ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item Approve Employment Agreement between Terry Kern and the County, as follows:

**EMPLOYMENT AGREEMENT**

This Employment Agreement ("Agreement") is entered into on this 12<sup>th</sup> day of July, 2010, between Dakota County, Nebraska ("County"), a political subdivision, and Terry Kern ("Employee"), of Sioux City, Iowa.

**WITNESSETH**

WHEREAS, County wishes to retain the Employee's services;  
WHEREAS, Employee is willing to continue his current position and work for County as the Director of Corrections/Jail Administrator on the basis stated herein;

NOW, THEREFORE, in consideration of mutual covenants and representations contained herein, the receipt and adequacy of which is hereby acknowledged, it is mutually agreed as follows:

**ARTICLE I  
EMPLOYMENT**

1. Employment. County will employ Employee as the Director of Corrections/Jail Administrator upon the terms and conditions as set forth in this Agreement. Employee will devote his full energy, skill, and best efforts to the County's affairs as reasonable and customarily required for his position. Except for seminars, conferences, or other travel required for Employee to perform his duties as Director of Corrections/Jail Administrator, Employee shall principally perform his services hereunder in Dakota City, Nebraska.

**ARTICLE II  
COMPENSATION AND BENEFITS**

2. Base Compensation. During the Term of this Agreement, County shall pay to Employee an annual base salary of \_\_\_\_\_ ("Base Compensation"),

with annual increases as the Board of Commissioners determines each year. County will pay Employee in accordance with its customary payroll practices, as they may be modified from time to time, but in installments no less frequently than monthly.

2.2 Reimbursement of Business Expenses.

(a) General Expenses. County shall reimburse Employee for such reasonable and necessary expenses as Employee incurs in the course of his employment, including, but not limited to, travel expenses and sustenance when traveling on County business in accordance with the Dakota County Employee Handbook and mileage reimbursement per IRS guidelines.

(b) Cellular Phone. County agrees to make available a cellular phone for Employee's use. County will retain ownership of said cellular phone and shall bear all contract expenses relating to ownership and operation of said cellular phone as long as Employee complies with said cellular phone contract. County will retain ownership of said cellular phone in the event of termination of this Agreement.

(c) Facilities and Equipment. Employee shall be furnished with facilities, equipment, and personnel which are reasonably adequate for the performance of Employee's duties as Director of Corrections/Jail Administrator and in accordance with jail standards.

(d) Seminars and Conferences. County shall pay all direct expenses Employee incurs to attend conferences, meetings, seminars, and other gatherings necessary to continue Employee's employment with County. These expenses shall include seminar or conference fees, travel expenses, lodging, and meals in accordance with the Dakota County Employee Handbook.

2.3 Vacation. During the Term of this Agreement, Employee shall be entitled to all paid holidays observed by County and paid vacation in accordance with the Dakota County Employee Handbook.

2.4 Employee Welfare and Pension Plans. Employee shall be entitled to participate in the insurance, sick leave, and retirement benefits in accordance with the Dakota County Employee Handbook.

**ARTICLE III  
TERM AND TERMINATION**

3 Term and Termination. This Agreement shall begin on the date it is entered into between Employee and County and shall terminate on July 1, 2013, ("Term") subject to earlier termination as provided herein.

3.1 Termination on Death. Employee's employment under this Agreement shall terminate on the date of Employee's death and no further accrual of benefits or payments under this Agreement shall be due Employee as of that date.

3.2 Termination by County for Cause. County may terminate Employee's employment hereunder at any time for cause ("Cause"). For purposes of this Agreement, Cause means:

(a) An act of willful malfeasance or gross misconduct with respect to the performance of Employee's duties and responsibilities under this Agreement;

(b) Embezzlement or fraud against County; or

(c) Conviction of or pleading guilty or nolo contendere to any crime constituting a felony.

3.3 Termination by Mutual Agreement of the Parties. This Agreement may be terminated at any time by mutual agreement of Employee and County and no further benefits or payments under this Agreement are due Employee as of the date of termination.

**ARTICLE IV  
MISCELLANEOUS**

4.1 Indemnification. During the Term of this Agreement, Employee shall be entitled to be included as an insured under County's liability insurance coverage and will be provided the same insured status and liability insurance coverage availability same as, no more than and no less than, any other County employee. If any legal action shall be brought against Employee based upon the negligent error or omission of Employee while in the performance of his lawful duties for County, County will defend him against such actions, and if a final judgment is rendered against Employee, County will pay such judgment on his behalf and will have no right to restitution from Employee.

4.2 Notices. Any and all notices and any other communication provided for in this Agreement shall be given in writing either hand delivered, sent by overnight courier or by US certified mail with return receipt requested and addressed, in County's case, to County's principal office, and in Employee's case, to Employee's residence as listed in County's records. Any notice hand delivered shall be deemed given on that date. Any notice sent by overnight courier shall be deemed given on the date sent. Any notice given by US certified mail with return receipt requested shall be deemed given on the date listed on the return receipt.

4.3 Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions. The Agreement shall be construed in all respects as if such invalid or unenforceable provision was omitted.

4.4 Entire Agreement. This Agreement constitutes the complete and entire understanding of the parties concerning County's employment of Employee.

4.5 Modification. No valid change or modification shall be made to this Agreement unless the same is in writing and signed by County and Employee.

4.6 Persons Bound by Agreement. This Agreement shall be binding upon and shall benefit County and Employee.

4.7 Governing Law. The provisions of this Agreement shall be governed by the laws of the State of Nebraska. Any court proceedings or litigation arising out of or pertaining to this Agreement shall be brought in a court of competent jurisdiction in Dakota County, Nebraska.

4.8 Paragraph Headings. The paragraph headings contained in this Agreement are for reference only and shall not be construed to affect the interpretation of any substantive provision of this Agreement.

DAKOTA COUNTY, NEBRASKA, a political subdivision,

\_\_\_\_\_  
William I. McLarty, Chair  
Board of Commissioners

EMPLOYEE  
\_\_\_\_\_  
Terry L. Kern

The Chair asked the County Attorney if she had reviewed the Agreement and she said that she had. She added that NIRMA, the County's Insurance Company, preferred "at will" employees, which she stated a couple of times.

Board Member Rohde moved, seconded by Board Member Gomez to approve the Employment Agreement with Terry Kern, as presented, and to authorize the Chair to sign same.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Miscellaneous Agenda Items" and there were none.

Chair McLarty called for the Agenda Item "Board Reports" and there were none.

Chair McLarty called for the Agenda Item "Public Comment" and there was none.

Chair McLarty called for the Agenda Item "Emergency Business" and there was none.

Chair McLarty called for the Agenda Item "Adjournment".

Board Member Bousquet moved, seconded by Board Member McNear to adjourn their meeting of July 12, 2010 at 4:20 p.m.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea. UNANIMOUS MOTION CARRIED at 4:20 p.m.



County Board of Corrections

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William I. McLarty  
Chair

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Theodore A. Piepho  
County Clerk

Dakota County Board of Corrections  
Monday August 9, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:00 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Board Members McLarty, Rohde, McNear, Gomez and Ted Piepho, County Clerk and Board Secretary. Absent: Board Member Bousquet.

Board Member Gomez moved, seconded by Board Member McNear to excuse Board Member Bousquet's absence.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

The Agenda for this meeting was as follows:

Call to Order with Pledge of Allegiance to the US Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report.

Miscellaneous Agenda Items

- Board Committee Reports
- Board Member Reports
- Public Comment
- Mail and/or Emergency Business
- Adjournment

Board Chair McLarty called for the agenda item "Approve minutes of previous Board of Corrections Meeting".

Board Member Rohde moved, seconded by Board Member Gomez to approve the minutes of July 12, 2010 as typed and prepared for the Official Record.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Jail Report".

Terry Kern stepped up to the podium and gave his August 9, 2010 Jail Report.

JAIL REPORT  
AUGUST 9, 2010

Average Daily Population

July:

County Inmates	Federal Inmates	Juveniles	Total-in-House-Population
64	39	.19	103

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total-in-House-Population
75	32	3	105

Fiscal 2010/2011:

County Inmates	Federal Inmates	Juveniles	Total-in-House-Population
64	39	.19	103

Federal Income

July Marshall: \$76,783.50

July ICE: \$3,900.00

Total Federal: \$80,683.50

Calendar 2010 Federal: \$443,609.00

Fiscal Marshall: \$76,783.50

Fiscal ICE: \$3,900.00

Fiscal 2011 Federal: \$80,683.50

Per Diem Inmate Costs

Jan	Feb	Mar	Apr	May	Jun	Jul
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60	\$81.87

Fiscal 2011: \$81.87

Calendar 2010: \$60.71

Juvenile Per Diem July: \$19.00

Juvenile Per Diem Fiscal: \$19.00

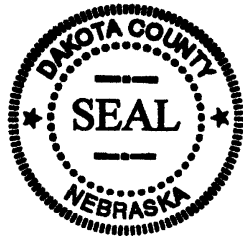
The jail spent \$22,954.22 more than the same month last year. The increases came in four areas. We spent \$5,363 more in wages which reflects the 3% pay raise; \$11,378 more in medical; \$10,005 of which are due to major procedures for two inmates; \$4,710 more in meals due to higher per plate costs associated with fewer inmate meals and the fact we serve two hot meals instead of one where we did not last year; and \$1,545 increase in office equipment associated with the one time cost of replacing a fax/printer/copier unit.

The jail had its highest Federal occupancy level since April 2009. Income exceeded projections. So far this month we have averaged 40 inmates.

Chair McLarty called for the Agenda Item "Miscellaneous Agenda Items" and there were none.  
Chair McLarty called for the Agenda Item "Board Reports" and there were none.  
Chair McLarty called for the Agenda Item "Public Comment" and there was none.  
Chair McLarty called for the Agenda Item "Emergency Business" and there was none.  
Chair McLarty called for the Agenda Item "Adjournment".

Board Member Gomez moved, seconded by Board Member McNear to adjourn their meeting of August 9, 2010 at 4:06 p.m.

ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Absent.  
UNANIMOUS MOTION CARRIED at 4:06 p.m.



County Board of Corrections

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William I. McLarty  
Chair

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Theodore A. Piepho  
County Clerk

Dakota County Board of Corrections  
 Tuesday September 7, 2010, Special Meeting  
 Dakota City Council Chambers  
 Dakota City Hall  
 1511 Broadway Street  
 Dakota City NE 68731

Chair McLarty called the meeting to order with the Pledge of Allegiance at 4:03 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Board Members McLarty, Rohde, McNear, Gomez and Daniel Christoffers, Acting Secretary, Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney.

Absent: Board Member Bousquet

The agenda for the meeting was as follow:

Call to Order with Pledge of Allegiance to the United States Flag.

- A current copy of the Open Meetings Act is posted on the back, or south wall, of this room, between the two windows and is available for review by all citizens in attendance.
  - Roll Call
  - Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report.

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Gomez moved, seconded by Board Member McNear to excuse Board Member Bousquet from the meeting.

Roll Call Vote: McNear-yea, Gomez-yea, McLarty-yea, Rohde-yea, Bousquet-absent. Unanimous Motion carried.

Board Member Rohde moved, seconded by Board Member Gomez, to approve the minutes of August 9, 2010, as typed and prepared for the Official Record.

Roll Call Vote: Gomez-yea, McLarty-yea, Rohde-yea, Bousquet-absent, McNear-yea. Unanimous Motion carried.

Chair McLarty called for the agenda item: Terry Kern – Corrections Administrator - Jail Report.

Terry Kern appeared before the board and gave the jail report as follows:

**JAIL REPORT  
 SEPTEMBER 7, 2010**

**Average Daily Population**

*August:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
73	41	.45	114

*2010 Calendar:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
74	33	2	107

*Fiscal 2010/2011:*

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
69	40	.32	109

**Federal Income**

*August Marshall: \$79,978.00*

*August ICE: \$5,590*

*Total Federal: \$85,568.00*

*Calendar Federal: \$529,177.00*

*Fiscal Marshall: \$156,751.50*

*Fiscal ICE: \$9,490.00*

*Fiscal 2011 Federal: \$166,241.50*

**Per Diem Inmate Costs**

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60	\$81.87	\$50.02				

**Fiscal 2011: \$66.15**  
**Calendar 2010: \$59.25**  
**Juvenile Per Diem August: \$45.00**  
**Juvenile Per Diem Fiscal: \$32.00**

**Federal Jail income is 30% or \$41,000.00 higher than at the same time last year. We have completed 17% of the fiscal year and spent 17% of the authorized budget. One new Correctional Officer did not make probation. The others are in completing basic Jail Standards training this week.**

Chair McLarty called for the agenda items:  
Board Committee Reports – there were none  
Board Member Reports – there were none.  
Public Comment – there was none.  
Mail and/or Emergency Business – there was none.  
Adjournment

Board Member McNear moved, seconded by Board Member Rohde to adjourn the meeting.  
Roll Call Vote: McLarty-yea, Rohde-yea, Bousquet-absent, McNear-yea, Gomez-yea. Unanimous Motion carried. 4:06 p.m.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty  
Chair

\_\_\_\_\_  
Date Chair Signed

\_\_\_\_\_  
Theodore A. Piepho                      Date entered in book

Dakota County Board of Corrections  
Monday, October 4, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:00 p.m. The Pledge of Allegiance was said, the location of the Open Meetings Acts was noted and Roll Call was taken.

Present: Board Members McLarty, Bousquet, Rohde, McNear and Gomez. Joan Spencer, Administrative Assistant to the Board acted as secretary.

Absent: None

The agenda for the meeting was as follows:

Call to Order with Pledge of Allegiance to the United States Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report.

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member McNear moved, seconded by Board Member Gomez, to approve the minutes of September 7, 2010, as typed and prepared for the official record.

ROLL CALL VOTE: Rohde- yea, McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea. UNANIMOUS MOTION CARRIED.

Terry Kern, Director of Corrections, gave the Jail Report. The average daily totals for September were 84 county inmates, 39 Federal inmates, 2 juveniles and a total in-house population increase of 123. The September marshal income was \$72,102.00 and September ICE income was \$5,200.00, for a total Federal income of \$77,302.00. The calendar year federal marshal income is \$606,479.00 and first quarter budget federal marshal income is \$234,053.50. The calendar year ICE income is \$14,690.00. The September per diem inmate cost if \$53.56.

**JAIL REPORT  
OCTOBER 4, 2010**

**Average Daily Population**

**September:**

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
84	39	2	123

**2010 Calendar:**

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
75	33	2	108

**Fiscal 2010/2011:**

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
74	40	1	114

**Federal Income**

**September Marshall: \$72,102.00**

**September ICE: \$5,200.00**

**Total Federal: \$77,302.00**

**Calendar Federal: \$606,479.00**

**Fiscal Marshall: \$234,053.50**

**Fiscal ICE: \$14,690.00**

**Fiscal 2011 Federal: \$243,543.50**

**Per Diem Inmate Costs**

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60	\$81.87	\$50.02	\$53.56			

**Fiscal 2011: \$60.97**

**Calendar 2010: \$58.53**

**Juvenile Per Diem September: \$141.62**

**Juvenile Per Diem Fiscal: \$68.54**

The first quarter of the fiscal year ended on September 30<sup>th</sup>. The jail has expended 24% of its authorized budget and is \$23,080.00 under budget.

In addition, the jail has generated income from several sources during the first quarter. The final figures are not in as we have not computed the income for September for phone cards and fingerprints. We have not yet submitted the request to the state for the first quarter Jail Reimbursement. This is the final year for that. We don't typically receive those funds until November but it will be credited to the first quarter. When all funds for the quarter are accounted for the figure will be more than \$300,000.00

The revenue in hand is set out below and is sufficient to offset 43% of the jail operating expenses for the quarter.

<b>U.S. Marshal</b>	<b>\$228,863.50</b>
<b>ICE</b>	<b>\$14,690.00</b>
<b>Inmate Phone</b>	<b>\$2,786.40</b>
<b>Work Release</b>	<b>\$9,525.00</b>
<b>House Arrest</b>	<b>\$1,720.00</b>
<b>SCAAP Reimbursement</b>	<b>\$28,863.00</b>
<b>Miscellaneous</b>	<b>\$400.00</b>
<b>Total</b>	<b>\$284,982.90</b>

The first quarter of the fiscal year ended on September 30<sup>th</sup>. The jail has expended 24% of its authorized budget and is \$23,080.00 under budget.

In addition, the jail has generated income from several sources during the first quarter. The final figures are not in as we have not computed the income for September for phone cards and fingerprints. We have not yet submitted the request to the state for the first quarter Jail Reimbursement. This is the final year for that. We don't typically receive those funds until November but it will be credited to the first quarter. When all funds for the quarter are accounted for the figure will be more than \$300,000.00

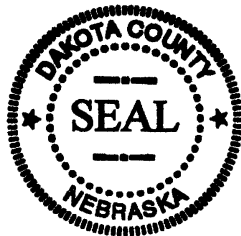
The revenue in hand is as follows and is sufficient to offset 43% of the jail operating expenses for the quarter: U.S. Marshal - \$228,863.50; ICE - \$14,690.00; Inmate Phone - \$2,786.40; Work Release - \$9,525.00; House Arrest - \$1,720.00; SCAAP Reimbursement - \$28,863.00; and Miscellaneous \$400.00 for a total of \$284,982.90.

In September the jail underwent inspections from ICE and the U.S. Marshal. ICE inspectors were here for two days. We passed both inspections and Jail Standards has set December 6<sup>th</sup> as the day for our annual inspection. Also in September 6 jail new hires received their Jail Standards basic Jail Management training and received their certification.

- No Board Committee Reports.
- No Board Member Reports.
- No Public Comment.
- No Mail or emergency business.

Board Member Bousquet moved, seconded by Board Member Gomez, to adjourn the meeting at 4:10 p.m.

ROLL CALL VOTE: McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea.  
UNANIMOUS MOTION CARRIED.



County Board of Corrections

\_\_\_\_\_  
William I. McLarty, Chair      Date Chair signed

\_\_\_\_\_  
Theodore A. Piepho, County Clerk      Date entered in book

Dakota County Board of Corrections  
Monday, November 1, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City, NE 68731

Chair McLarty called the meeting to order at 8:30 a.m. The location of the Open Meetings Acts was noted and Roll Call was taken.

Present: Board Members McLarty, Bousquet, Rohde and McNear. Joan Spencer, Administrative Assistant to the Board acted as secretary.

Absent: Board Member Gomez

The agenda for the meeting was as follows:

Call to Order with Pledge of Allegiance to the United States Flag.

A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.

- Roll Call.
- Approve minutes of previous Board of Corrections Meeting.

Terry Kern – Corrections Administrator

- Jail Report.

Miscellaneous Agenda Items

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Rohde moved, seconded by Board Member Bousquet to excuse the absence of Board Member Gomez.

ROLL CALL VOTE: Bousquet- yea, Rohde- yea, McNear- yea, Gomez- absent, McLarty- yea. UNANIMOUS MOTION CARRIED.

Board Member Rohde moved, seconded by Board Member McNear, to approve the minutes of October 4, 2010, as typed and prepared for the official record.

ROLL CALL VOTE: Rohde- yea, McNear- yea, Gomez- absent, McLarty- yea, Bousquet- yea. UNANIMOUS MOTION CARRIED.

Terry Kern, Director of Corrections, gave the Jail Report, as follows:

JAIL REPORT  
NOVEMBER 1, 2010

Average Daily Population

October:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
79	42	1	121

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
76	34	2	110

Fiscal 2010/2011:

County Inmates	Federal Inmates	Juveniles	Total-In-House Inmates
75	40	1	115

Federal Income

October Marshall: \$80,500.00

October ICE: \$4,000.00

Total Federal: \$84,500

Calendar Federal: \$690,979.00

Fiscal Marshall: \$314,553.50

Fiscal ICE: \$18,690.00

Fiscal 2011 Federal: \$328,043.50

Per Diem Inmate Costs

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60	\$81.87	\$50.02	\$53.56	\$50.70		

Fiscal 2011: \$55.22

Calendar 2010: \$52.14

Juvenile Per Diem October: \$196.77

Juvenile Per Diem Fiscal: \$100.59

The average daily population for October was county inmates – 82, federal inmates – 42 and juveniles – 1 for a total in-house population of 124, an increase from last month. The federal income was up with federal marshal income at \$80,500 and ICE income at \$4,000. The calendar year federal income total is \$690,979 and the fiscal 2011 federal income is \$328,043.50.

The claim for state reimbursement monies for the first quarter was submitted for \$48,800.

Board Committee Reports. Board Member Bousquet thought we needed to look at replacing the carpet in the jail with tile. It is believed that the glue, used to adhere the carpet, to the floor, is leaching through causing stains. The Board suggested Terry Kern get cost estimates for replacement and bring to the next meeting.

No Board Member Reports.  
No Public Comment.  
No Mail or Emergency Business.

Board Member Rohde moved, seconded by Board Member McNear, to adjourn the meeting at 8:42 a.m.  
ROLL CALL VOTE: Bousquet- yea, Rohde- yea, McNear- yea, Gomez- absent, McLarty- yea.  
UNANIMOUS MOTION CARRIED.

County Board of Corrections

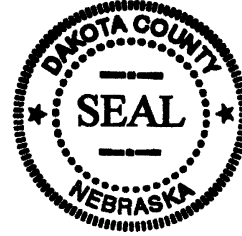
\_\_\_\_\_  
William I. McLarty, Chair

\_\_\_\_\_  
Date Chair signed

\_\_\_\_\_  
Joan Spencer, Acting Secretary

\_\_\_\_\_  
Theodore A. Piepho, County Clerk

\_\_\_\_\_  
Date entered in book



Dakota County Board of Corrections  
 Monday, December 13, 2010, Regular Meeting  
 Dakota County Courthouse  
 County Board Basement Meeting Room  
 Dakota City, NE 68731

Acting Chair Bousquet called their meeting of December 13, 2010 to order at 4:00 p.m. The location of the Open Meetings Acts was noted and Roll Call was taken.

Present: Board Members Bousquet, Rohde, Gomez and Daniel Christoffers, acting secretary.

Absent: Board Member McNear and Mr. McLarty due to his resignation.

The agenda for the meeting was as follows:

- Call to Order with Pledge of Allegiance to the United States Flag.
- A current copy of the Open Meetings Act is posted on the east wall near the entrance of this room and is available for review by all citizens in attendance.
  - Roll Call.
  - Approve minutes of previous Board of Corrections Meeting.
- Terry Kern – Corrections Administrator
  - Jail Report.
  - Approve Carpet Bid to replace carpeting in the Jail
  - Accept the resignation of William I. McLarty
- Miscellaneous Agenda Items
- Board Committee Reports
- Board Member Reports
- Public Comment
- Mail and/or Emergency Business
- Adjournment

Board Member Gomez moved, seconded by Board Member Rohde to excuse the absence of Board Member McNear.

ROLL CALL VOTE: Rohde- Aye, Gomez- Aye, Bousquet- Aye. UNANIMOUS MOTION CARRIED. McNear Absent. One seat vacant.

Board Member Gomez moved, seconded by Board Member Rohde, to approve the minutes of November 1, 2010, as typed and prepared for the official record.

ROLL CALL VOTE: Rohde- Aye, Gomez- Aye, Bousquet- Aye. UNANIMOUS MOTION CARRIED. McNear Absent. One seat vacant.

Terry Kern, Director of Corrections, gave the Jail Report, as follows:

JAIL REPORT  
 DECEMBER 13, 2010

Average Daily Population

November:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
71	44	4	115

2010 Calendar:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
76	35	3	110

Fiscal 2010/2011:

County Inmates	Federal Inmates	Juveniles	Total-In-House-Population
75	41	2	116

Federal Income

November Marshall: \$83,454.00

November ICE: \$3,380

Total Federal: \$86,834.00

Calendar Federal: \$779,556.50

Fiscal Marshall: \$399,821.00

Fiscal ICE: \$22,100.00

Fiscal 2011 Federal: \$435,341.00

Per Diem Inmate Costs

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
\$57.36	\$62.45	\$55.75	\$55.35	\$48.79	\$59.60	\$81.87	\$50.02	\$53.56	\$49.46	\$57.50	

Fiscal 2011: \$59.98

Calendar 2010: \$52.69

Juvenile Per Diem November: \$105.38

Juvenile Per Diem Fiscal: \$113.28

The jail is 2% or **\$82,477.00** under budget with 39% expended during 41% of the fiscal Ayer.

On December 6<sup>th</sup> we had our annual Nebraska Jail Standards inspection by Dan Evans. We were found in FULL COMPLIANCE. The Nebraska Fire Marshal inspected us on November 9<sup>th</sup> and found several minor discrepancies which were corrected. On December 8<sup>th</sup> we were re-inspected and passed. That information has been sent to Jail Standards. We have now been found in FULL COMPLIANCE by ICE, U.S. Marshall's and Nebraska Jail Standards.

We tested nine candidates for Correctional Officer on the 11<sup>th</sup>. All nine passed the physical agility and the written and personality examinations have been sent in for scoring.

We requested estimates from three vendors for new carpet in the jail. The only estimate that was returned is attached to this report. The estimate shows that the cost involved is such that formal bids will be have to be taken. There was no money budgeted for this and winter is a poor time for new carpet. I

propose to wait until spring to request bids when we have better weather and a clearer picture of how much money remains in this Ayer's budget.

There is a DRAFT copy of Petty Cash Fund Resolution attached to this report. The State Auditor has audited the Jail Commissary Fund. The fund is properly receipted, recorded and funds dispersed appropriately. The funds belonging to the inmates themselves have to be kept in a "lock box" for their use exclusively. Inmates purchase commissary items using their funds which they contribute to the account.

However, commission money paid by Keefe Commissary and Evercom phone cards is to be turned over to the General Fund. The commission money has been kept with the inmate funds since at least 2003 and very likely longer.

The Commissary fund pays for such things as indigent kits, over the counter medication, newspapers, magazines and cable television. We will have to set up a petty cash fund using some of the commission funds to pay for these items and remitting the balance to the General Fund quarterly. This will create another revenue stream for the County. When the audit is fully completed a lump sum one time transfer from the current balance will be made. It is not known at this time how much that will be. The Draft resolution authorizes the petty cash fund for future use.

Acting Chair Bousquet called for the Agenda Item "Accept the resignation of William I. McLarty". Board Member Rohde moved, seconded by Board Member Gomez to accept the resignation of William I. McLarty effective December 10, 2010.

ROLL CALL VOTE: Rohde- Aye, Gomez- Aye, Bousquet- Aye. UNANIMOUS MOTION CARRIED. McNear Absent. One seat vacant.

Acting Chair Bousquet called for the Agenda Item "Board Committee Reports" and there were none.

Acting Chair Bousquet called for the Agenda Item "Board Member Reports" and there were none.

Acting Chair Bousquet called for the Agenda Item "Public Comment" and there was none.

Acting Chair Bousquet called for the Agenda Item "Mail or Emergency Business" and there was none.

Acting Chair Bousquet called for the Agenda Item "Adjournment".

Board Member Rohde moved, seconded by Board Member Gomez, to adjourn the meeting at 4:15 p.m.

ROLL CALL VOTE: Rohde- Aye, Gomez- Aye, Bousquet- Aye. UNANIMOUS MOTION CARRIED. McNear Absent. One seat vacant.

County Board of Corrections

Richard (Rick) Bousquet, Acting Chair      Date Chair signed

Daniel Christoffers, Acting Secretary



Theodore A. Piepho, County Clerk      Date entered in book