

Dakota County Board of Corrections  
Monday, January 12, 2009, Re-organizational Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 1:32 p.m.

Roll Call: Present were Board Members McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, Secretary. Joan Spencer, Assistant to the Board and Kim Watson, County Attorney were also in attendance.

Absent: None

The agenda for the meeting was as follows:

- 1. 1:30 p.m. Call to Order with Pledge of Allegiance
  - Roll Call

A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Board Members Room and is available for review by all citizens in attendance.

Reorganization Agenda Items

Nominations for Chairperson -

Motion for nominations to cease and Roll Call Vote.

Vote by secret ballot if more than one was nominated.

Nominations for Vice-Chair

Motion for nominations to cease and Roll Call Vote.

Vote by secret ballot if more than one was nominated.

Approve Minutes of previous meeting

- 2. 1:31 p.m. Miscellaneous Agenda Items
  - Jail Report.
- 3. Board Committee Reports
- 4. Board Member Reports
- 5. Public Comment
- 6. Mail and/or Emergency Business
- 7. 1:40 p.m. Adjournment

Chair McLarty called for the agenda item "nominations for chair".

Board Member Rohde moved, seconded by Board Member Gomez to nominate Board Member Bill McLarty for chair, that nominations cease and the secretary cast a unanimous ballot for Board Member McLarty to be chair for 2009.

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

Chair McLarty took the chair reserved for the chair and called for the agenda item "nominations for vice chair".

Board Member Bousquet moved, seconded by Board Member McNear to nominate Board Member Bill Rohde for vice chair, that nominations cease and the secretary cast a unanimous ballot for Board Member Engel to be vice chair for 2009.

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

Board Member Rohde moved, seconded by Board Member Bousquet to approve the minutes of December 1, 2008, 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 Jail Report".

Terry Kern, Director of Corrections, submitted the following Jail Report.

July – December 2008 Average Prisoner Population

New Facility Population

Old Facility Population

Male Prisoners: 37.02  
 Male Federal Prisoners: 42.54  
Total Male Prisoners: 79.56

Male Prisoners: 25.29  
 Female Prisoners: 00.00  
Total Old Facility Prisoners: 25.29

Female Prisoners: 14.09  
 Female Federal Prisoners: 04.93  
Total Female Prisoners: 19.02

Juveniles at Woodbury County  
 Male: 02.21  
 Female: 00.58

Total Federal Prisoners: 57.47

Juveniles at Madison County:

Total New Facility Population: 98.58

Male: 00.41  
Female: 00.54

Juveniles at Cherokee:

	Male:	00.02
	Female	00.03
	<u>Total Juvenile Population:</u>	03.79
Work Release: **	7.49	
House Arrest:	1.24	
Other D&E	1.34	

Total Population: 130.19

\*\* Amount billed to the US Marshall Service for the year 2008 was \$1,041,776.60.

#### FIRST HALF 2008/09 FISCAL JAIL REPORT

##### PRESENT CONDITION

1. For the first half of fiscal 2009 (July 1<sup>st</sup> - December 31<sup>st</sup>) the jail has expended \$1,207,242.84 of a \$2,706,535.17 budget which is \$146,025.50 or 5% less than authorized for this point in the fiscal year.
2. Average Daily Populations for the facility was 130.19. There were 126.96 adults and 3.79 juveniles. This compares with an ADP of 127.93 - 123.65 adults and 4.28 juveniles for all of fiscal 2008. Our ADP for the Main Facility was 47.47 for USMS and 50.11 County inmates which is 100% of capacity and 25.29 in the old jail which is 60% of capacity.
3. Expenditures have been as follows: \$1,116,788 for adult inmates and \$90,454.00 for contracted juvenile inmates. Per Diem costs are \$48.00 for adult inmates and \$132.50 for juveniles with a total per diem cost of \$50.39. This compares to \$50.04 for all of fiscal 2008.
4. The cost for juveniles is substantially higher than the \$102.00 per diem for fiscal 2008. The reason is that we have been "shut out" of Woodbury County on four occasions due to overcrowding forcing us to house several juveniles in other facilities for varying periods of time. The cost difference is \$25 per day for Cherokee and \$75 for Madison.
5. The USMS Contract produced a net income of \$1,040,391.00 for calendar 2008 and \$577,876.92 for the first half of fiscal 2009. At this rate we will see \$1.2 million for fiscal 2009. We are continuing to run above income projections.
6. Nebraska Jail Standards inspected the facility on December 12<sup>th</sup>. We were found to be in full compliance. There was only one recommendation made and that was the hiring of a FT nurse. This is based on the increase in inmates. We have one FT nurse to see to the needs of 127 people and that's too much.
7. We are preparing an agreement with ICE to provide housing for a minimum of 10 inmates for periods of 72 hours or less. We would also provide transportation to Omaha. The proposed per diem rate is \$70. The agreement requires an RN be available for 8 hours daily. We would have to hire one. This cost is added to the costs presented to ICE and the expense becomes part of the per diem payment. That's the reason for the \$70 fee as opposed to \$65. Jail Standards has already made that recommendation and this would provide us with the opportunity to shift the cost.
8. The space for the ten inmates for ICE may come at the partial expense of the USMS. We will be able to meet our contractual obligation of 20 beds easily and make 40 available while making 10 available to ICE. There may be opportunities to make more space available when County populations are low.
9. We are rapidly reaching the point of maximum Federal revenue. We are housing nearly the maximum number of inmates now. The revenue generated will cap at a point between \$1.2 million and \$1.3 million unless space is expanded.

##### FUTURE PLANS

1. The old jail is receiving a new roof to be completed in the spring. This will increase its useful life as a building. However, it is past its useful life as a jail.
2. We will need to explore finishing the second phase of the jail. The concept of a regional jail was discussed with Dan Evans when he conducted the inspection. Regional jails are not new and the concept of a Dakota-Dixon-Thurston County facility was discussed and we feel that it has some merit.
3. The USMS recently housed an inmate until the expiration of sentence and we have 4 other inmates for whom that may occur. This is cheaper for the Federal government and provides us with a reliable revenue stream. The inmates are minimum risk and do not cause difficulties. There are 4 other inmates who will likely serve out their Federal time here.

Board Committee Reports were asked for by Chair McLarty. There were none.

Board Member Reports were asked for by Chair McLarty. There were none.

No Public Comment.  
No Mail or emergency business.

Chair McLarty adjourned their meeting at 1:38 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, February 9, 2009, Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m.

Roll Call: Present were Board Members McLarty, Bousquet, Rohde, McNear, Gomez and Ted Piepho, Secretary. Joan Spencer, Assistant to the Board and Kim Watson, County Attorney were also in attendance.

Absent: None

The agenda for the meeting was as follows:

- 4:05 p.m. Call to Order with Pledge of Allegiance
  - Roll Call

A current copy of the Open Meeting Act is posted on the back wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

- 4:06 p.m. Miscellaneous Agenda Items
  - Jail Report.
  - Board Committee Reports
  - Board Member Reports
  - Public Comment
  - Mail and/or Emergency Business

4:15 p.m. Adjournment

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

Terry Kern stepped forward and gave the following report:

1. The Average Daily Population for the fiscal year to date has been:

Overall 131.88 (Adult) 128.50 Capacity 91%  
 New Facility 98.72 Capacity 99%  
 Old Facility 28.40 Capacity 68%  
 Juveniles 3.38  
 USMS 47.95

2. AVERAGE DAILY POPULATION January - 2009

Overall 135.83 (Adult) 133.13 Capacity 94%  
 New Facility 99.55 Capacity 100%  
 Old Facility 33.00 Capacity 78.6%  
 Juveniles 2.70  
 USMS 47.06

3. The US Marshall's Service income has been:

January \$101,082.22  
 Fiscal Year \$678,959.14

4. The AVERAGE DAILY POPULATION for the first nine days in February has been:

Overall 141.49 135.39 (Adult) 96%  
 New Facility 102.5 Capacity 102.02%  
 Old Facility 31.22 Capacity 74.2%  
 Juveniles 6.1  
 US Marshall's Service 47

5. We are expanding inmate services to include a Narcotics Anonymous meeting and Catholic Church services.

January 2009 Average Prisoner Population

New Facility Population

Male Prisoners: 34.26  
 Male Federal Prisoners: 42.48  
Total Male Prisoners: 76.74

Female Prisoners: 18.22  
 Female Federal Prisoners: 04.58  
Total Female Prisoners: 22.80

Total Federal Prisoners: 47.06

Total New Facility Population: 99.55

Old Facility Population

Male Prisoners: 33.00  
 Female Prisoners: 00.00  
Total Old Facility Prisoners: 33.00

Juveniles at Woodbury County  
 Male: 01.58  
 Female: 00.90

Juveniles at Madison County:  
 Male: 00.19  
 Female: 00.03

Juveniles at Cherokee:  
 Male: 00.00

		Female	00.00
Work Release: **	.58	<u>Total Juvenile Population:</u>	02.70
House Arrest:	.58		
Other D&E	.00		

Total Population: 135.83

\*\* Work Release population is included in the total overall population.

\*\*\* Amount billed to the US Marshall Service for the month of November 2008: \$181,101.82

\*\* Amount billed to the US Marshall Service for the year of 2008: \$1,041,776.60

Board Committee Reports were asked for by Chair McLarty. There were none.

Board Member Reports were asked for by Chair McLarty. There were none.

No Public Comment.

No Mail or emergency business.

Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn.

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

UNANIMOUS MOTION CARRIED and the meeting was adjourned at 4:09 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, March 9, 2009, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

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

Present: Commissioners McLarty, Rohde, McNear and Gomez. Joan Spencer, Board Administrative Assistant acted as secretary.

Absent: Commissioner Bousquet.

1. 4:03 p.m. Call to Order
  - Roll Call
  - Approve minutes of February 9, 2009 Meeting.
2. 4:06 p.m. Miscellaneous Agenda Items
  - Jail Report.
  - Renewal of Terry Kern Employment Agreement.
3. Board Committee Reports
4. Board Member Reports
5. Public Comment
6. Mail and/or Emergency Business
7. 4:10 p.m. Adjournment

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

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

Board Member Gomez moved, seconded by Board Member McNear, to approve the minutes of February 9, 2009, as typed and prepared for the Official Record.

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

Director of Corrections, Terry Kern, gave the Jail Report. The average daily population for the month of February, 2009, was 141.15—the largest since the new facility was open. The average adult population was 134.97 and that represented 96% capacity for the old and new jails combined. New facility capacity was 101% with an average daily population of 100.93. The old facility was at 81% capacity with an average daily population of 34.04. Juveniles averaged 6.18 and US Marshal Service averaged 46.04 for the month of February.

The first 9 days of March show the overall average daily population dropped to 134.66 with the adult population averaging 128.66 for a capacity of 91%. The new facility ADP was 95.44 at 96% capacity and the old facility was at 79% capacity. Juveniles averaged 3.33 and US Marshal Service average was 44.89.

The fiscal year (July – February) average daily population overall is 136.51. The adult average daily population is 131.73 at 93% capacity. The new facility ADP is 99 at 100% capacity; old facility is 29.04 at 69% capacity. Juveniles averaged 3.95 and US Marshal Service averaged 46.55 for the fiscal year.

US Marshal Service income for the month of February is \$85,095.80, for the calendar year is \$186,178.02 and for the fiscal year \$764,054.94.

Mr. Kern stated that as of the end of February, he is 2/3's of the way through the fiscal year budget and is 8% under their year-to-date expenditures by a figure of \$168,560. However, the heating fuel line item has expended all funds. Mr. Kern pointed out that this was the first year his budget contained an estimate for this line item.

CBM Foods will present a modified contract adding \$.07 to the cost of one meal each day. This represents a second milk serving added to the menu to conform to Jail Standards. CBM's previous interpretation was that the second milk serving could be found in the milk used in meal preparation. Jail Standards held otherwise since it is not possible to quantify how much milk is actually used to prepare food.

Mr. Kern concluded his report by informing the Board of Corrections that the position of Lieutenant has been created. This position will serve the dual role of Inspector General and Training Officer effective March 22.

Several board members asked for clarification on figures. Mr. Kern stated that at fiscal year end he thought \$1.3 million in revenue would be generated from all sources by the jail.

Board Member Rohde asked if federal inmates have had to be turned away due to the full capacity of the jail. Mr. Kern stated that they have.

Chair McLarty asked to have the Board of Corrections meet on March 23 to approve the change to the CBM Food contract.

Board Member Rohde moved, seconded by Board Member McNear, to renew the following employment agreement with Terry Kern, that effective at his one-year anniversary date of February 5, 2009, his annual salary will be \$48,000 paid bi-weekly and that his annual salary be increased by \$1,000 on July

1, 2009; and after a successful evaluation of his work, his annual salary will be increased by an additional \$1,000 on January 1, 2010. BE IT FURTHER RESOLVED that Mr. Kern received benefits as outlined in the County Employee Handbook.

February 5, 2009

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 one-year performance evaluation. Effective at your one-year anniversary date of February 5, 2009, your annual salary will be \$48,000 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, 2009; and after a successful evaluation of your work, your annual salary will be increased by an additional \$1,000 on January 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, 2009, 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 must complete the Nebraska jail supervisor/manager certification course before the end of your second year of service.

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

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

\_\_\_\_\_  
William I. McLarty, Chairman  
Dakota County Board of Commissioners  
Roll Call: Rohde- yea, McNear- yea, Bousquet- absent, McLarty- yea, Gomez- yea.

There were no Board Committee Reports or Board Member Reports.

Chair McLarty called for Public Comment. Betty O'Neill asked what was in the employment agreement with Mr. Kern. Chair McLarty responded that the annual salary will be \$48,000 and will be increased by \$1,000 on July 1<sup>st</sup> and by an additional \$1,000 on January 1, 2010.

Board Member Gomez moved, seconded by Board Member McNear to adjourn the meeting at 4:24 p.m. Roll Call: McLarty- yea, Gomez- yea, Rohde- yea, McNear- 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 23, 2009, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:30 p.m. Location of the Open Meetings Act was noted by Chair McLarty. Roll Call was taken. Present were: Board Members Bousquet, McLarty, Rohde, McNear, Gomez and Ted Piepho Board Secretary. Joan Spencer, Board Administrative Assistant was also in attendance. Absent: None.

Terry Kern, Jail Administrator, appeared before the board and explained that they had to add an 8 oz. carton of milk to the menu per day. Originally he thought that the cost to do that was 7 cents per carton, but the actual cost is 21 cents, which makes the cost increase 7 cents for each meal per day.

Board Member Bousquet moved, seconded by Board Member Gomez to amend the Food Service Contract between Dakota County Nebraska and CBM Food Service by adding 7 cents to the cost of all meals for an additional carton of milk that inmates are to receive every day. BE IT FURTHER RESOLVED THAT all population group classes illustrated in said agreement be increased by 7 cents a meal and FINALLY BE IT RESOLVED to approve the amendment of said agreement between the entities, as follows:

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

This amendment to the original contract is entered into this 21<sup>st</sup> 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 (March 5, 2009 through December 31, 2009). New prices will take effect on March 5, 2009.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.76	\$1.83	\$1.90	\$2.02	\$2.13	\$2.28	\$2.45
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Price Adjustment of .07 for Milk	\$1.83	\$1.90	\$1.97	\$2.09	\$2.20	\$2.35	\$2.52

Rates reflect .07 adjustment for extra milk per meal

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 \_\_\_\_ day of \_\_\_\_\_ 2009. Dated this \_\_\_\_ day of \_\_\_\_\_ 2009.

DAKOTA COUNTY:  
\_\_\_\_\_  
Bill McLarty  
Dakota County, Nebraska

CBM FOODSERVICE:  
\_\_\_\_\_  
Shane V. Sejnoha  
President of Corrections

\_\_\_\_\_  
Terry Kerns  
Jail Administrator

\_\_\_\_\_  
Witness

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

\*\* The above amendment amends the September 8, 2008 Amendment of the Food Service Contract, which set the meal rates at the current price above from \$1.68, \$1.75, \$1.82, \$1.93, \$2.04, \$2.18 and \$2.34 respectively. That reflected a 4.6% increase over the prior rate for Cost of living.

Chair McLarty asked if there was anything else to come before the board and there was not. Chair McLarty asked if there was anyone in the audience that wished to address the board on anything that is not on the agenda and there was not anyone that spoke up.

Therefore Chair McLarty called for a motion to adjourn.



Board Member Gomez moved, seconded by Board Member McNear to adjourn the meeting at 4:24 p.m.  
Roll Call: McLarty- Yea, Gomez- Yea, Rohde- Yea, McNear- 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 6, 2009, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m. The Location of the Open Meetings Act was noted by Chair McLarty. Roll Call was taken. Present were: Board Members Bousquet, McLarty, Rohde, McNear, Gomez and Ted Piepho Board Secretary. Joan Spencer, Board Administrative Assistant, and Deb Fergen, Deputy County Attorney, were also in attendance.  
Absent: None.

The agenda for the meeting was as follows:

4:03 p.m. Call to Order - A current copy of the Open Meeting 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 March 9 and March 23, 2009 Meeting.

4:06 p.m. Miscellaneous Agenda Items

- Jail Report.

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

4:10 p.m. Adjournment

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

March 2009 Average Prisoner Population

New Facility Population

Male Prisoners: 36.68  
Male Federal Prisoners: 38.77  
Total Male Prisoners: 75.45

Female Prisoners: 16.03  
Female Federal Prisoners: 05.78  
Total Female Prisoners: 21.81

Total Federal Prisoners: 44.54

Total New Facility Population: 97.26

Old Facility Population

Male Prisoners: 32.81  
Female Prisoners: 00.00  
Total Old Facility Prisoners: 33.00

Juveniles at Woodbury County  
Male: 02.16  
Female: 00.84

Juveniles at Madison County:  
Male: 00.10  
Female: 00.00

Juveniles at Cherokee:  
Male: 00.00  
Female: 00.00  
Total Juvenile Population: 03.10

Work Release: \*\* 5.68  
House Arrest: 2.48  
Other D&E .00

Total Population: 135.65

\*\* Work Release population is included in the total overall population.

\*\*\* Amount billed to the US Marshall Service for the month of February 2009: \$85,095.80

\*\* Amount billed to the US Marshall Service for the year of 2009: \$186,178.02

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" and there was none.  
Chair McLarty called for the agenda item "Mail and/or Emergency Business" and there was none.  
Therefore Chair McLarty called for a motion to adjourn.

Board Member Rohde moved, seconded by Board Member McNear to adjourn the meeting at 4:08 p.m.  
Roll Call: McLarty- Yea, Gomez- Yea, Rohde- Yea, McNear- 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, May 4, 2009, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m. The Location of the Open Meetings Act was noted by Chair McLarty.

Roll Call was taken. Present: Board Members McLarty, Bousquet, McNear and Daniel Christoffers, Acting Secretary. Joan Spencer, Administrative Assistant to the Board and Deb Fergen, Deputy County Attorney was also present.

Absent: Rohde, Gomez.

The agenda for the meeting was as follows:  
Meeting advertised to begin at 4:03 p.m.

Call to Order - A current copy of the Open Meeting 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 March 9, March 23 and April 6, 2009 Meetings.

Miscellaneous Agenda Items

- Jail Report.
- Designate meeting days. Right now the Board is meeting every month and discussion will be had whether it is reasonable to meet less often.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

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

The Chair reserves the right to modify the order of the agenda.

Board Member Bousquet, seconded by Board Member McNear to approve the minutes of March 9, March 23, and April 6, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, submitted April's Jail Population Report as follows:

April 2009 Average Prisoner Population

New Facility Population

Male Prisoners:	44.37
Male Federal Prisoners:	<u>36.83</u>
<u>Total Male Prisoners:</u>	81.20

Female Prisoners:	12.67
Female Federal Prisoners:	04.20
<u>Total Female Prisoners:</u>	16.87

Total Federal Prisoners: 41.03

Total New Facility Population: 98.07

Old Facility Population

Male Prisoners:	31.37
Female Prisoners:	<u>00.00</u>
<u>Total Old Facility Prisoners:</u>	31.37

Juveniles at Woodbury County	
Male:	02.17
Female:	00.23

Juveniles at Madison County:

Male:	00.00
Female:	00.00

Juveniles at Cherokee:

Male:	00.43
Female:	00.00

Total Juvenile Population: 02.83

Work Release: **	3.30
House Arrest:	2.00
Other D&E	.00

Total Population: 134.27

\*\* Work Release population is included in the total overall population.

\*\*\* Amount billed to the US Marshall Service for the month of February 2009: \$85,095.80

\*\* Amount billed to the US Marshall Service for the year of 2009: \$186,178.02

1. The City of Dakota City has asked to use five inmates for cleanup projects. We will provide the inmates subject to the following restrictions: participating inmates meet the same qualifications as house arrest/work release; the inmates work in one group; they are constantly supervised by a Deputy/Correctional Officer; they do not operate motorized vehicles; and any injuries are indemnified by the City. If this works consideration will be given to using inmates for ditch cleaning and other tasks.

2. I am exploring a job task analysis to provide the basis for job definitions and legally defensible job requirements. The analysis would establish the frequency with which various tasks are performed and the criticality of the tasks.

For example, if the analysis shows those persons performing a particular class of job has to climb stairs ten or more times a day, then the ability to climb stairs becomes a defensible physical job requirement. In the same way if persons in a particular job class prepare forms and reports in English ten or more times a day then the ability to read and write the English language is a bonified occupational skill.

The County has not updated job descriptions in some time and the Americans with Disabilities Act as Amended has added an increased importance in establishing the bonified occupational requirements of any job to eliminate artificial barriers. This was one of the subjects addressed in a NIRMA teleconference last month.

I have been in contact with Stanard and Associates of Chicago. They provide our written entrance examinations and performed a job task analysis for the Sioux City Police Department when I was the Accreditation Manager.

They would perform the task for the positions of Director, Deputy Director, Lieutenant, Correctional Officer, Nurse, Administrative Secretary and Maintenance.

3. USMS income for April was \$80,614.00 bringing the total for the fiscal year to \$935,194.18 with two months to go and \$358,317.67 for the first four months of 2009. April's figures are the lowest in this fiscal year. We reduced our Federal population by nine and we had to decline Marshal's inmates on several occasions. This resulted in \$17,000.00 in lost revenue. The reason for this was the high number of County inmates and the limited space available for USMS. Our USMS population was the lowest since April 2008 when we had a significant County inmate population. Despite this the USMS contract alone will produce more jail revenue this fiscal year than all sources of income for last fiscal year combined.

4 The Correctional Facility is \$453,000.00 under budget as of April 30<sup>th</sup>.

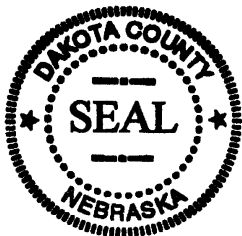
Chair McLarty called for the agenda item "Designate meeting days."  
Chair McLarty said that statute 23-803 requires Board of Corrections to meet every sixty days. There was discussion on the possibilities. The Board decided to continue to meet every thirty days.

Chair McLarty called for the agenda item "Board Committee Reports" and "Board Member Reports". Board Member Bousquet said that there was a jail tour and that everything was looking fine.

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

There was no Emergency Business

Board Member Bousquet moved, seconded by Board Member McNear to adjourn at 4:12 p.m.  
ROLL CALL VOTE: McLarty- yea, Gomez- absent, McNear- yea, Rohde- absent. 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, June 1, 2009, 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 McLarty, Bousquet, Rohde, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board was also present.

Absent: Board Member McNear.

The agenda for the meeting was as follows:

Call to Order

A current copy of the Open Meeting 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.

Miscellaneous Agenda Items

- Jail Report.

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 Commissioner McNear from this meeting for his Doctor's Appointment.

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

Board Member Rohde, seconded by Board Member Bousquet to approve the minutes of May 4, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, submitted May's Jail Population Report as follows:

MAY 2009 Average Prisoner Population

New Facility Population

Male Prisoners:	45.00
Male Federal Prisoners:	<u>33.53</u>
<u>Total Male Prisoners:</u>	78.53

Female Prisoners:	22.00
Female Federal Prisoners:	01.07
<u>Total Female Prisoners:</u>	23.07

Total Federal Prisoners: 34.60

Total New Facility Population: 101.60

Old Facility Population

Male Prisoners:	33.34
Female Prisoners:	<u>00.00</u>
<u>Total Old Facility Prisoners:</u>	33.34

Juveniles at Woodbury County	
Male:	01.92
Female:	00.07

Juveniles at Madison County:	
Male:	00.07
Female:	00.00

Juveniles at Cherokee:	
Male:	00.34
Female:	00.00
<u>Total Juvenile Population:</u>	02.40

Work Release: **	2.30
House Arrest:	1.15
Other D&E	7.65

Mr. Kern reported that there were 3 prisoners on House Arrest today and there are ten on Work Release today.

Total Population: 141.94

\*\* Work Release population is included in the total population.

Amount billed to the US Marshall Service for June \$72,498.70

Amount billed to the US Marshall Service for the year of 2009: \$477,952.92

Amount billed to the US Marshall Service for the year of 2008/2009: \$961,580.57

Amount billed to the US Marshall Service for the year of 2008/2009: \$796,793.09

Chair McLarty called for the agenda item "Public Comment."

Bill Wiseman asked how much of that Federal Revenue was used for debt reduction.

Commissioner McLarty responded \$900,000 was used for property tax relief.

Sally Reinert asked how many Federal Prisoners were turned away because we were full.

Mr. Kern said that we are actually down 10 prisoners from where we have been.

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 was none.

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

Board Member Bousquet moved, seconded by Board Member McNear to adjourn at 4:10 p.m.  
ROLL CALL VOTE: McLarty- yea, Gomez- absent, McNear- Absent, 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, July 13, 2009, Regular Meeting  
 County Board Meeting Room  
 Dakota County Courthouse  
 Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

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

Absent: Board Member Rohde.

The agenda for the meeting was as follows:

- Call to Order
- Roll Call
- Approve minutes of previous meeting
- Miscellaneous Agenda Items
  - Jail Report

Board Committee Reports - Reports by any board member serving on one of the Board's Working Committee's with information pertinent to that Committee.

Board Member Reports - Informational report by any Board Member who wishes to communicate new information to other board members relating to County issues.

- Public Comment
- Mail and/or Emergency Business
- Adjournment

Board Member Bousquet, seconded by Board Member McNear to approve the minutes of June 1, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, submitted the following Jail Population Report:

July 1, 2008 – June 30, 2009 Average Prisoner Population

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	38.99	Male Prisoners:	28.90
Male Federal Prisoners:	<u>40.12</u>	Female Prisoners:	<u>00.00</u>
<u>Total Male Prisoners:</u>	79.11	<u>Total Old Facility Prisoners:</u>	28.90
Female Prisoners:	15.56	Juveniles at Woodbury County	
Female Federal Prisoners:	<u>04.31</u>	Male:	02.22
<u>Total Female Prisoners:</u>	19.87	Female:	00.53
<u>Total Federal Prisoners:</u>	44.43	Juveniles at Madison County:	
<u>Total New Facility Population:</u>	98.98	Male:	00.38
The jail capacity is 99		Female:	00.27
		Juveniles at Cherokee:	
Work Release: **	1.56	Male:	00.06
House Arrest:	0.85	Female:	00.02
Other D&E	7.16	<u>Total Juvenile Population:</u>	03.48
Total Overall Population: 133.77			

\*\* Work Release population is included in the total population.  
 Amount billed to the US Marshall Service for April \$70,624.90  
 Amount billed to the US Marshall Service for the year of 2009: \$501,424.37

July 1 - 13, 2009 Average Prisoner Population

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	51.23	Male Prisoners:	41.23
Male Federal Prisoners:	<u>33.46</u>	Female Prisoners:	<u>00.00</u>
<u>Total Male Prisoners:</u>	84.69	<u>Total Old Facility Prisoners:</u>	41.23
Female Prisoners:	14.77	Juveniles at Woodbury County	
Female Federal Prisoners:	<u>.23</u>	Male:	01.15
<u>Total Female Prisoners:</u>	15.00	Female:	00.15

<u>Total Federal Prisoners:</u>	33.69	Juveniles at Madison County:	
		Male:	01.15
<u>Total New Facility Population:</u>	99.69	Female:	00.93
The jail capacity is 99			
		Juveniles at Cherokee:	
		Male:	00.00
		Female:	00.02
Work Release: **	5.62	<u>Total Juvenile Population:</u>	03.38
House Arrest:	.00		
Other D&E	5.62		
Total Overall Population: 146.30			

\*\* Work Release population is included in the total population.  
 Amount billed to the US Marshall Service for June \$70,624.90  
 Amount billed to the US Marshall Service for the year of 2009: \$501,424.37

BOARD OF CORRECTIONS  
 JULY 13, 2009

Budget Costs

For the fiscal year July 1, 2008-June 30 2009 the Correctional Facility spent \$2,399,077.35 of an authorized \$2,706,535.17 to finish the year \$307,457.82 or 11% below its authorized budget. In the previous fiscal year the Correctional Facility was \$232,588.87 or 10% below authorized budget.

Inmate per diem costs for this fiscal year were \$47.90 for adults and \$117.07 for juveniles as compared to \$50.04 per adult and \$152.00 per juvenile the previous year.

Correctional Facility Income

The Correctional Facility generated \$1,261,551.07 in income from all sources for the fiscal year. The USMS income alone exceeded the combined income of the previous year which was \$1,015,649.29 for a 20% increase. The facility generated income sufficient to offset 53% of its actual operating costs compared to 48% the previous year. This is the last positive news this report contains.

For reasons set out below this level of income should not be anticipated for the current fiscal year.

United States Marshals Service	\$1,080,118.82
State Prisoner Reimbursement	\$ 55,912.50
Inmate Phone Cards	\$ 25,168.81
SCAAP Reimbursement	\$ 29,344.00
Work Release	\$ 44,895.00
House Arrest	\$ 10,390.00
Housing Other Jurisdictions	\$ 12,460.00
Fingerprints	\$ 645.00
Miscellaneous	\$ 2,616.94
<u>Total</u>	\$1,261,551.07

Average Daily Population

The Correctional Facility experienced a 10% single year increase in the ADP of adult inmates raising from 117 in fiscal 2007/08 to 129 this last year. Should this trend continue we will exceed our rated daily capacity as an average in slightly more than one year and as a normal daily number in less than eighteen months. We have been within five inmates of our rated capacity as a daily average in three of the last six months and on a pace to do so again this month. As this report is being prepared the facility is housing 141 inmates or its rated capacity in both buildings. This has occurred six times in July. There were still some overflow beds available for emergency use.

The ADP for USMS inmates has declined. In the first six months of the fiscal year just ended we averaged 47.4 Federal inmates as opposed to 41.4 in the second half. This is due to the space limitations imposed by an increased number of County inmates.

The ADP of County adult inmates in the first half of the fiscal year was 76.3 as opposed to 91.2 in the second. Comparing the first half of calendar 2008 with 2009 shows an increase from an ADP of 84.4 to 91.2.

In May and June the Federal ADP dropped to 35.6 and 35.2 which were the lowest months since February of 2008 at 33.3. The ADP for July is at 34. However, for the last four days we have been at 31 which is the lowest number since 2007.

May and June produced the lowest monthly revenues of the fiscal year, \$72,498.70 and \$70,624.90 which are \$20,000.00 below the average for each month.

Revenue projection for 2009/10 USMS is based upon an average of 35 Federal inmates or \$830,375.00 which is significantly less than this past year. The situation may improve but revenue



projections should be based upon that number. Revenue from all sources for the fiscal year which began on July 1<sup>st</sup> is projected at \$1,000,000; a three year low.

The Unicameral has cancelled jail reimbursement funds. We will not be projecting any income from that source.

The ADP for juveniles was 3.5. We expended \$149,779.13 on the housing of juveniles for an average per diem cost of \$117.07. This represents a reduction in costs from last year's \$162,250.00.

Future Plans

All future long range plans revolve around the old jail building. The fact is that the replacement of this building was the reason the new one was built. Yet, the old facility was not closed and remains in operation. With the exception of a leaking roof all of the reasons for its closure still exist. Paradoxically, the continued use of the old building is the only reason that there is any USMS income which represents 87% of all jail income.

Absent the ability to house forty-two County inmates in the old building the adult ADP would exceed the rated capacity of the new building. This excess would cause us to have either limit the Marshals to the contracted minimum twenty beds or cancel the contract altogether. The ADP of County inmates is such that we would be above the rated capacity of the new facility in each of the past seven months if the old jail were gone-even if we dropped to the twenty contracted inmates. The County inmate ADP for May, June and, so far, July of 2009 is such that we would meet or exceed the rated capacity of the new building even if there wasn't a single Federal inmate on premises. We would either have to cancel the USMS contract or house-out twenty or more County inmates. July is by far the worst. For the first thirteen days we averaged 107.3 County inmates and on one day the number was 116 which far exceed the new facility rated capacity.

We are outgrowing the available bed space and we are being held hostage by a building past it useful life. There are several alternatives which have already been presented. This year a decision will have to be made and steps taken to implement one of those alternatives.

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

Board Member Bousquet moved, seconded by Board Member McNear to adjourn at 4:19 p.m.  
ROLL CALL VOTE: McLarty- Yea, Gomez- Yea, McNear- Yea, Rohde- Absent, 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, August 10, 2009, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 p.m. and the Location of the Open Meetings Act was noted by Chair McLarty.

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

Absent: No one

The agenda for the meeting was as follows:

This meeting was advertised to begin at 4:03 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Chair reserves the right to modify the order of the agenda.

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

Miscellaneous Agenda Items

- Jail Report

Board Member Committee Reports - Reports by any board member serving on one of the Board's Working Committee's to present the other Board Members with information pertinent to that Committee.

Board Member Reports - Informational report by any Board Member who wishes to communicate new information, such as phone calls or concerns by tax payers, to other board members relating to Jail issues.

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Gomez, seconded by Board Member Rohde to approve the minutes of July 13, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, submitted the following Jail Population Report:  
July 2009 Average Prisoner Population

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	53.51	Male Prisoners:	41.77
Male Federal Prisoners:	<u>31.45</u>	Female Prisoners:	<u>00.00</u>
<u>Total Male Prisoners:</u>	84.96	<u>Total Old Facility Prisoners:</u>	41.77
Female Prisoners:	16.16	Juveniles at Woodbury County	
Female Federal Prisoners:	<u>00.74</u>	Male:	01.74
<u>Total Female Prisoners:</u>	16.90	Female:	00.06
<u>Total Federal Prisoners:</u>	32.19	Juveniles at Madison County:	
<u>Total New Facility Population:</u>	101.86	Male:	01.06
The jail capacity is 99		Female:	01.35
		Juveniles at Cherokee:	
		Male:	00.00
		Female:	00.00
Work Release: **	5.19	<u>Total Juvenile Population:</u>	04.21
House Arrest:	0.00		
Other D&E	1.87		

Total Overall Population: 149.71

\*\* Work Release population is included in the total population.

Amount billed to the US Marshall Service for June, 2009: \$70,624.90

Amount billed to the US Marshall Service for the year of 2009: \$501,424.37

We had an all time high of 111 County inmates in July. This reduced our capacity for USMS inmates to a low of 32.16. Our projected inmate total had been 35.

Marshal's income for the month of July was \$65,730.10. For the calendar year it stands at \$558,656.87. We were below projected income by \$6,044.60 -8%. The mitigating feature is that July 2009 expenditures are -4% from July 2008.

We have experienced a decline in population which would permit us to house 6 additional USMS inmates but the Marshal does not have anyone available for placement.

We will be inspected by ICE on September 14<sup>th</sup> and 15<sup>th</sup>. We have done this before and passed. Once this is completed we will begin housing ICE inmates on the back of the USMS contract until an independent contract is signed.

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 was 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 Bousquet moved, seconded by Board Member McNear to adjourn at 4:08 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  
Tuesday, September 8, 2009, 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 Rohde, McLarty, Bousquet, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and County Attorney, Kim Watson were also present.

Absent: No one

Meeting was advertised to begin at 4:02 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

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.

Miscellaneous Agenda Items

- Jail Report.
- Authorize Chair to sign Amendment to Food Service Contract between Dakota County and CBM Food Service to reflect CPI Adjustment rate of 5% on inmate meal prices.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member McNear, seconded by Board Member Gomez to approve the minutes of August 10, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, submitted a written report including a Jail Population Report.

Mr. Kern explained that CBM Food could adjust their prices according to the Consumer Price Index and they have submitted an amendment to the Contract by adding 5% to the cost of the meals over last year and recommended approval by the Board.

For the month of August we had an average daily population of: 97 County and 29 Federal inmates. County inmate population has dropped to a point where we could accommodate 40 USMS inmates.

USMS income was \$59,514.30. For the fiscal year we have taken in \$125,524.40. For calendar 2009 we have taken in \$626,668.77.

Twenty-nine Federal inmates is the lowest since March 2007. There are several reasons for this that are beyond our control. The DEA has made fewer cases. This is due, in part, to the drug cartel violence along the border. The cartels have had to invest so much time, money and energy into fighting the war that the cost of their product has soared. It is now cheaper to make it than buy it from them. There is also a diminished interest in prosecuting illegal immigrants in the new administration. These immigration cases comprise a portion of drug interdiction efforts. The minimum Federal weight for drug product has been raised which also reduces case load. As a consequence there are fewer USMS prisoners.

However, the need for ephedrine locally has increased in order to fill the demand for domestic methamphetamine to replace the expensive import. Those persons who supply the ephedrine as well as those who make it are subject to indictment. Some cases currently being investigated have as many as 40 potential indictments. This will add to the number of cases.

The USMS inspected us today and we passed. We will be inspected by ICE next week. We are working toward an agreement with ICE that is separate from the USMS contract.

The original proposal called for \$75 per day per inmate. ICE has experienced a \$3 billion budget cut for the fiscal year starting October 1<sup>st</sup>. We were told that \$75 was not possible and ICE proposed \$55 which we said was not possible. We have settled at the USMS rate of \$65 contingent upon the result of our inspection. We passed the last one.

The two income sources will help to place revenue on a par with past years and perhaps a little better.

The new labor agreement calls for the creation of a County based Merit Commission system and we have to begin work on that.

I have been accepted for a week of management training by the National Institute of Corrections in

Boulder, Colorado. The tuition, airfare and hotel are free to the County.

Board Member Bousquet moved, seconded by Board Member Gomez for the chair to sign and to approve the Agreement with CBM Foods increasing the cost of the meals for inmates by 5.0% as follows:

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

This amendment to the original contract is entered into this 21<sup>st</sup> day of February, 2009 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, 2010 through December 31, 2010). New prices will take effect on January 1, 2010.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.83	\$1.90	\$1.97	\$2.09	\$2.20	\$2.35	\$2.52
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
CPI Adjustment 5.0%	\$1.92	\$2.00	\$2.07	\$2.19	\$2.31	\$2.47	\$2.65

**Rates reflect CPI Adjustment Rate of 5.0%**

These prices are calculated based on the 5.0% Consumer Price Index for the Midwest Region, Food Away from Home for the previous twelve months.


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 8<sup>th</sup> day of Sept., 2009

Dated this 6<sup>th</sup> day of August, 2009

DAKOTA COUNTY, NEBRASKA:


CBM FOOD SERVICE:

  
Bill McLarty, Board of Commissioner Chair

  
Shane V. Sejnoha  
President of Corrections

  
Terry Kerns  
Jail Administrator

  
Witness

  
William I. McLarty, Chair  
Board of Corrections

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

Chair McLarty called for the agenda item "Board Committee Reports" and there were none.  
Chair McLarty called for the agenda item "Public Comment".  
Sally Reinert brought a recommendation to the Board as result of the last Jail Advisory Meeting. Ms Reinert ask the Board of Corrections to take a look at what Dakota City has done and that is to use prisoners to help pick up the road ways and to see if this is also something that the County can do. There are a number of good reasons for this. A couple being picking up litter and idle hands and idle minds will never work to our favor so we would recommend that to you to see if that is a possibility.  
Chair McLarty called for the agenda item "Emergency Business" and there was none.

Board Member Gomez moved, seconded by Board Member McNear to adjourn at 4:12 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  
Tuesday, October 5, 2009, 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 Rohde, McLarty, Bousquet, McNear, Gomez and Ted Piepho, County Clerk. Joan Spencer, Administrative Assistant to the Board and Deputy County Attorney, Deb Fergen were also present.

Absent: None.

Meeting was advertised to begin at 4:02 p.m.

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.

Miscellaneous Agenda Items

- Jail Report.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Rohde, seconded by Board Member Gomez to approve the minutes of September 8, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Jail Administrator, gave the following Jail Report.

September 2009 Average Prisoner Population

<u>New Facility Population</u>		<u>Old Facility Population</u>	
Male Prisoners:	47.87	Male Prisoners:	30.07
Male Federal Prisoners:	<u>25.16</u>	Female Prisoners:	<u>00.00</u>
<u>Total Male Prisoners:</u>	73.03	<u>Total Old Facility Prisoners:</u>	30.07
Female Prisoners:	22.94	Juveniles at Woodbury County	
Female Federal Prisoners:	<u>00.33</u>	Male:	00.87
<u>Total Female Prisoners:</u>	23.27	Female:	00.03
<u>Total Federal Prisoners:</u>	25.49	Juveniles at Madison County:	
<u>Total New Facility Population:</u>	96.30	Male:	00.00
The jail capacity is 99		Female:	00.00
		Juveniles at Cherokee:	
		Male:	00.00
		Female:	00.10
Work Release: **	0.00	<u>Total Juvenile Population:</u>	01.00
House Arrest:	2.00		
Other D&E	5.33		
Total Overall Population: 129.37			

\*\* Work Release population is included in the total population.

Amount billed to the US Marshall Service for August, 2009: \$59,514.30

Amount billed to the US Marshall Service for the year of 2009: \$626,668.77

USMS income for September was \$49,942.10 on an ADP of 25.49 inmates. For the first 5 days of October it is 20.5, which is the USMS contracted minimum. This drops our annual ADP to 37.37. For the year we have taken in \$676,610.87 in USMS income. For the first quarter of the fiscal year USMS income is \$175,186.50.

County ADP for the year is at 95.25. The average for the past 5 months is 102 and so far for October it is 110. If this trend continues it will be the 4<sup>th</sup> time this year that we have averaged 100 or more County inmates.

We have paid out \$2000.00 to correct a reoccurring plumbing problem in the old jail. That's not a budget buster but it is a preview of coming issues. The plumbing is 30 years old and will not stand up to 24/7 usage by live in inmates without an expensive upgrade.

For the first quarter of this fiscal year ended September 30<sup>th</sup> we are \$53,154.00 or 2% under budget.

Commissioner Rohde asked why our Federal Population is down.

Mr. Kern said that he asked the Marshall's Office for additional prisoners and their reply was that they were down to 70 throughout the whole district. Last year at this time there were 156. Mr. Kern went on to say that there are a number of reasons for that. Immigration has been taken off the table with the new Obama administration. He did say that they had told him about a case where there may be 50 indictments.

Chair McLarty called for the agenda item "Board Committee 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 Bousquet moved, seconded by Board Member Gomez to adjourn at 4:08 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, November 2, 2009, 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 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: Board Member Gomez.

Meeting was advertised to begin at 4:02 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

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.

Miscellaneous Agenda Items

- Jail Report.

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Board Member Rohde moved, seconded by Board Member McNear to excuse Board Member Gomez from this meeting.

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

Board Member Bousquet moved, seconded by Board Member McNear to approve the minutes of October 5, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Jail Administrator, gave the following Jail Report.

September 2009 Average Prisoner Population

New Facility Population

Male Prisoners:	54.16
Federal Male Prisoners:	<u>19.23</u>
<u>Total Male Prisoners:</u>	73.39

Female Prisoners:	21.13
Female Federal Prisoners:	<u>02.93</u>
<u>Total Female Prisoners:</u>	24.06

Total Federal Prisoners: 22.16

Total New Facility Population: 97.45

The jail capacity is 99

Work Release: **	5.64
House Arrest:	0.00
Other D&E	1.13

Old Facility Population

Male Prisoners:	26.16
Female Prisoners:	<u>00.00</u>
<u>Total Old Facility Prisoners:</u>	26.16

Juveniles at Woodbury County	
Male:	00.52
Female:	00.06

Juveniles at Madison County:	
Male:	00.00
Female:	00.00

Juveniles at Cherokee:	
Male:	00.00
Female:	00.10
<u>Total Juvenile Population:</u>	00.58

Total Overall Population: 125.32

\*\* Work Release population is included in the total population.

Amount billed to the US Marshall Service for September, 2009: \$49,942.10

Amount billed to the US Marshall Service for the year of 2009: \$676,610.87

JAIL REPORT NOVEMBER 2, 2009

The jail had an average daily population of 101 County inmates in October. The daily average since from May forward was 102. The daily population of USMS for October was 22 which was a two year low.

USMS income was \$44, 652.40 for October which brings calendar 2009 income to \$721,637.27 and fiscal year income to \$219,838.90. We do have additional money to collect from the USMS for overtime and mileage which will be about \$1,500.00.



The jail is currently 4% or \$107,000 under budget for the first one third of the current fiscal year.

I have received a certificate in Management of the Small Jail from the Bureau of Prisons National Institute of Corrections. I attended the training last week at the National Management Training Center at Aurora, Colorado.

Chair McLarty called for the agenda item "Board Committee 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 McNear moved, seconded by Board Member Bousquet to adjourn at 4:06 p.m.  
ROLL CALL VOTE: McLarty- Yea, Gomez- Absent, 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, December 14, 2009, Regular Meeting  
County Board Meeting Room  
Dakota County Courthouse  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:03 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.

Meeting was advertised to begin at 4:02 p.m.

This agenda is subject to change up until 24 hours before the start of the meeting.

The Board Chair reserves the right to modify the order of the agenda.

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.

Miscellaneous Agenda Items

- Jail Report.

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 November 2, 2009 as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Jail Report".

Terry Kern, Director of Corrections, stepped up to the podium and gave the following report.

JAIL REPORT  
DECEMBER 14, 2009

Average Daily Population

*November:*

County Inmates	Federal Inmates	Juveniles	Total In-House Population
97	25	1	122

*2009 Calendar:*

County Inmates	Federal Inmates	Juveniles	Total In-House Population
96	34	2	132

*Fiscal 2009/2010:*

County Inmates	Federal Inmates	Juveniles	Total In-House Population
102	27	2	129

Marshals Income:

*November:* \$51,470.70

*Fiscal 2009/2010:* \$273,902.55

*Calendar 2009:* \$775,326.92

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	?

Fiscal 2009/2010: \$49.94

Calendar 2009: \$48.39

Juvenile Per Diem November: \$128.57

Juvenile Per Diem Fiscal/2009/2010: \$149.91

The jail has expended 37% of its authorized budget and is 4.6% or \$138,002.00 under budget.

A new camera system was placed in the new jail which allows observation of the top tier, lower tier and day room in each pod simultaneously as well as removing a blind spot from the interior stair well to County Court. There are several separate remote locations within the jail where the PODS can now be monitored. Previously the upper tiers could not be monitored by camera.

The Fire Marshal inspected the jail November 17<sup>th</sup> (see attached). The Deputy who has been conducting the inspections was terminated because of issues with the thoroughness of his inspections. As a result we received a comprehensive inspection which resulted in deficiencies not reported to us previously. A total of twenty (20) deficiencies were cited:

eight (8) in the new building and twelve (12) in the old. Fourteen require correction by January 15<sup>th</sup> and a plan of action must be filed with the Fire Marshal by that same date outlining the actions we will take and a timetable for those actions to correct the other six. Item numbers 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 13, 14, 16, and 18 have been corrected. Associated Fire Protection is working with us to correct the others. Item #6 should have been inspected and approved when the building received its first post construction inspection. That item may be expensive to fix as we may have to trench under the sidewalk to lay down PCV pipe. The doors in the old jail have to be UL rated. If they ever had UL tags they have either been painted over or removed over the years. If we can't prove a UL rating we will have to replace them and that too will be expensive.

Using the old jail for storage will be problematic so long as it remains a jail. The accumulation of combustibles in an occupied structure is the issue.

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

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Theodore A. Piepho, County Clerk

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Date entered in book