

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION SETTING SALARY OF THE SARPY COUNTY ELECTION**  
**COMMISSIONER AND THE DEPUTY ELECTION COMMISSIONER**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-1114, salary of the Election Commissioner is to be set by the County Board at least 60 days prior to the expiration of the term of the Election Commissioner.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS as follows:

- I. The salary for the Office of Sarpy County Election Commissioner, for the calendar year commencing January 1, 2018, shall be \$83,638 per annum, such amount being an increase of one percent (1%) to the salary effective January 1, 2017. This amount includes compensation for the Jury Commissioner duties performed by the Election Commissioner.
- II. The salary for the Office of the Sarpy County Deputy Election Commissioner, for the calendar year commencing January 1, 2018, shall be \$75,274 per annum, such amount being an increase of one percent (1%) to the salary effective January 1, 2017. This amount includes compensation for the Jury Commissioner duties performed by the Deputy Election Commissioner.
- III. The Board further finds that said Commissioner and Deputy Commissioner shall receive an increase in salary for each calendar year of the term of said official, after the 2018 calendar year as follows: the salary for the subject year shall be equal in amount to the salary for the immediately preceding year plus an increase equal to the annual percentage increase in the Midwest Region Consumer Price Index, CPI-U, for the 12-month period ending on June 30 of the immediately preceding calendar year, as established by the Bureau of Labor Statistics, a department of the U.S. Department of Labor. Such increase, however, shall not be less than a half of one percent (0.5%) and shall not exceed two and a half percent (2.5%).
- III. Said salaries shall be paid in twenty six equal installments. These salaries shall be per calendar year, January 1, through the next following December 31. If, for any reason, the Commissioner or the Deputy Commissioner is unable to complete his or her term of office, the salary paid for the completed portion of the term shall be equal to the salary to be paid for the year divided by the time spent in office during that year.

- IV. The Board further finds that in addition to the salaries set forth above, each said official shall be able to participate in the following benefits during the term of office:
- A. Life insurance and Long-Term Disability insurance at no cost to the official.
  - B. Family group health insurance and family dental insurance, including health insurance that may be available upon retirement, under the same terms and conditions as is offered to other exempt employees, excluding employees that are part of a collective bargaining agreement, as the same may be modified from time to time.
- V. The Board finds and determines that the County reserves the right to enter into any program for the benefit of the employees of the County including, but not limited to, insurance programs and such other benefit programs as may be approved by this Board. The County Commissioners who hold office at the time such program is adopted shall be entitled to participate in such programs on the effective date of such programs. Such participation shall be under such terms and conditions as established by the Board.
- VI. It is the specific intent and finding of this Board, in support of the action set forth above, that the increases in salary and/or benefits, which may inure to the benefit of the Election Commissioner and Deputy Election Commissioner during his or her term of office, shall not constitute an increase in salary which is prohibited by Article III, §19 of the Constitution of the State of Nebraska. Based on Nebraska Supreme Court cases, specifically *Shepoka v. Knopik*, 201 Neb. 780, 272 N.W.2d 364 (1978), "the constitutional prohibition relates to legislative change and does not prohibit changes based on independent factual standards."

BE IT FURTHER RESOLVED that all previous resolutions or parts of resolutions of the Sarpy County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 3rd day of October, 2017.

  
 Sarpy County Board Chairman

Attest:

  
  
 County Clerk

**SARPY COUNTY NEBRASKA  
SUMMARY REPORT FOR COUNTY BOARD AGENDA ITEM  
OCTOBER 3, 2017**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
Setting Salary for Election Commissioner	Resolution	Dan Hoins, County Administrator

**SYNOPSIS**

Nebraska state law 32-217 requires the County Board set the salary for the election commissioner at least sixty days prior to the expiration of the term of office. The Sarpy County Election Commissioner's term expires December 31, 2017. Therefore, the County Board needs to set the salary no later than its October 31, 2017 County Board meeting for the new term beginning January 1, 2018. The deputy election commissioner receives pay based on 90% of the election commissioner's salary.

County Administration has analyzed the statutory requirements the County Board must follow when setting the salary, conducted research on comparable salaries, and considered the job tasks required of the election commissioner for the next 4 years.

**BACKGROUND**

Sarpy County collected comparable data from Douglas and Lancaster County. Those two counties follow a different term than Sarpy County and set their election commissioner salary for a four-year term beginning January 1, 2016. Douglas County set a flat 2% increase in the salary per year and Lancaster County increases the salary by CPI, with a minimum threshold of 2% and a maximum threshold of 4%. Douglas and Lancaster will need to re-set the salary at the end of 2019 for an effective date of January 1, 2020. The comparable data is contained in the chart below:

	<b>Douglas (2%/year)</b>	<b>Lancaster (CPI, 2%-4%/year)</b>	
	2%/year	2%	4%
CY 2017	\$88,530.00	\$84,317.00	\$84,317.00
CY 2018	\$90,300.60	\$86,003.34	\$87,689.68
CY 2019	\$92,106.61	\$87,723.41	\$91,197.27

Below is the recent salary history of the election commissioner and deputy election commissioner (which includes the additional compensation for serving as Jury Commissioner) as established by Resolution 2013-383:

Calendar Year	Election Commissioner	Chief Deputy	% Increase
CY 2013	\$63,185.98	\$56,720.30	
CY 2014*	\$79,999.92	\$71,999.98	26.61%
CY 2015	\$81,274.96	\$73,147.36	1.59%
CY 2016	\$82,037.80	\$73,834.02	0.94%
CY 2017	\$82,809.00	\$74,528.00	0.94%
*RES 2013-383			

The County Board provided a base pay increase for the election commissioner and deputy election commissioner effective January 1, 2014, with annual increases based on the CPI from June of each year, with a minimum increase of 1% and a maximum increase of 3.5%.

As a note, when the salary was set by Resolution 2009-387 in October of 2009, the annual increase was set at CPI, with a minimum of 2.5% and maximum of 4.5%.

## RECOMMENDATION

Based on our analysis, we offer this proposal for the County Board's consideration: Set the election commissioner and deputy election commissioner's salary for January 1, 2018 based on a 1% increase, which is the minimum threshold outlined in Resolution 2013-383. For each successive year, increase the salary by CPI, with a minimum threshold of 0.5% and maximum threshold of 2.5%.

CPI (minimum of 0.5%, maximum of 2.5%)					
	Election Commissioner			Chief Deputy (90%)	
CY 2017	\$	82,809.00	0.0%	\$	74,528.00
CY 2018	\$	83,637.09	1.0%	\$	75,273.28
CY 2019	\$	84,055.28	0.5%	\$	75,649.65
CY 2020	\$	84,475.55	0.5%	\$	76,027.89
CY 2021	\$	84,897.93	0.5%	\$	76,408.03
Total	\$	2,088.93		\$	1,880.03
CPI (minimum of 0.5%, maximum of 2.5%)					
	Election Commissioner			Chief Deputy (90%)	
CY 2017	\$	82,809.00	0.0%	\$	74,528.00
CY 2018	\$	83,637.09	1.0%	\$	75,273.28
CY 2019	\$	85,728.02	2.5%	\$	77,155.11
CY 2020	\$	87,871.22	2.5%	\$	79,083.99
CY 2021	\$	90,068.00	2.5%	\$	81,061.09
Total	\$	7,259.00		\$	6,533.09

The fiscal impact of this proposal varies from approximately \$4,000 on the low end to \$13,800 on the high end. This proposal allows for flexibility for the salary to grow should the cost of living increase as reflected in the CPI, will keep Sarpy County's salary comparable to Douglas and Lancaster County, and while the annual CPI increase is unknown, the minimum and maximum threshold provides for a reasonable and predictable fiscal impact to the County.

## ATTACHMENTS

Resolution setting the Election Commissioner Salary for four-year term beginning January 1, 2018  
 Resolution 2013-383  
 Resolution 2009-387

BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA  
RESOLUTION SETTING SALARY OF THE SARPY COUNTY ELECTION  
COMMISSIONER AND THE DEPUTY ELECTION COMMISSIONER

WHEREAS, pursuant to Neb. Rev. Stat. §32-217 (Reissue 2008), salary of the Election Commissioner is to be set by the County Board at least 60 days prior to the expiration of the term of the Election Commissioner; and,

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS as follows:

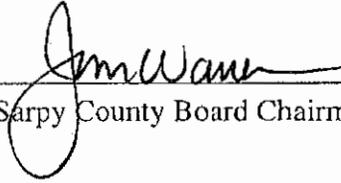
- I. The salary for the Office of Sarpy County Election Commissioner, for the calendar year commencing January 1, 2014 shall be \$75,000 per annum. An additional \$5,000 will be added for the Jury Commissioner duties for a total salary of \$80,000.
- II. The salary for the Office of the Sarpy County Deputy Election Commissioner, for the calendar year commencing January 1, 2014 shall be \$67,500 per annum. An additional \$4,500 will be added for the Deputy Jury Commissioner duties for a total salary of \$72,000.
- III. The Board further finds that said Commissioner and Deputy Commissioner shall receive an increase in salary for each calendar year of the term of said official, after the 2014 calendar year as follows: the salary for the subject year shall be equal in amount to the salary for the immediately preceding year plus an increase equal to the annual percentage increase in the Midwest Region Consumer Price Index, CPI-U, for the 12 month period ending on June 30 of the immediately preceding calendar year, as established by the Bureau of Labor Statistics, a department of the U.S. Department of Labor. Such increase, however, shall not be less than a one (1) percent increase and shall not exceed three and one-half (3.5) percent. Only the base salary of the Election Commissioner and Deputy Election Commissioner are subject to the yearly increase and the salary for the Jury Commissioner and Deputy Jury Commissioner duties shall not change throughout the term.

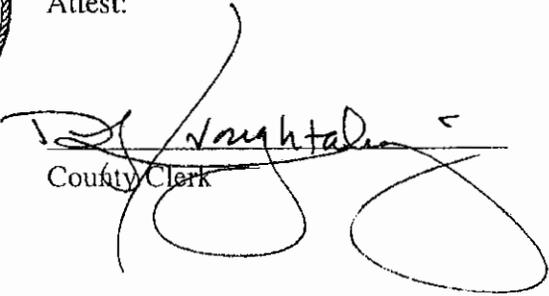
- IV. Said salaries shall be paid in twenty-six equal installments. These salaries shall be per calendar year, January 1, through the next following December 31. If, for any reason, the Commissioner or Deputy Commissioner is unable to complete his or her term of office, the salary paid for the completed portion of the term shall be equal to the salary to be paid for the year divided by the time spent in office during that year.
- V. The Board further finds that in addition to the salaries set forth above, each said official shall be entitled to the following benefits during the term of office:
- A. Life insurance and Long term disability insurance at no cost to the official.
  - B. Family group health insurance and family dental insurance at no cost to the official for the calendar year 2014. After December 31, 2014 the official is entitled to participate in group health insurance, including health insurance that may be available upon retirement, under the same terms and conditions as is offered to other employees, excluding employees that are part of a collective bargaining agreement, as the same may be modified from time to time.
- VI. The Board finds and determines that the County reserves the right to enter into any program for the benefit of the Employees of the County, including but not limited to insurance programs and such other benefit programs as may be approved by this Board. Officials who hold office at the time such program is adopted shall be entitled to participate in such programs on the effective date of such program. Such participation shall be under such terms and conditions as this Board may establish.
- VII. It is the specific intent and finding of this Board, in support of the action set forth above, that the increases in salary, and/or benefits which may inure to the benefit of the Election Commission and Deputy Election Commissioner during his or her terms of office, shall not constitute an increase in salary which is prohibited by Article III, §19 of the Constitution of the State of Nebraska. Based on Nebraska Supreme Court cases, specifically *Shepoka v. Knopik*, 201 Neb. 780, 272 N.W.2d 365 (1978), “the constitutional prohibition relates to legislative change and does not prohibit changes based on independent factual standards.”

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 22<sup>nd</sup> day of October, 2013.



Attest:

  
Sarpy County Board Chairman

  
County Clerk

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**  
**AMENDED RESOLUTION REGARDING BENEFITS AND CONDITIONS DUE THE**  
**SARPY COUNTY ELECTION COMMISSIONER AND THE DEPUTY ELECTION**  
**COMMISSIONER**

WHEREAS, pursuant to Neb. Rev. Stat. §32-217 (Reissue 2008), salary of the Election Commissioner is to be set by the County Board at least 60 days prior to the expiration of the term of the Election Commissioner; and,

WHEREAS, on October 27, 2009, this Board complied with the provisions of Neb. Rev. Stat. §32-217 (Reissue 2008) through the following motion:

Richards moved, seconded by Jansen, to increase the Election Commissioner and Deputy Election Commissioner salaries \$2,500 starting in 2011, in 2012 a base of 2.5% capped at 4.5% based on the Midwest Region Consumer Price Index, CPI-U. After a discussion, the motion was amended as follows: to increase the Election Commissioner and Deputy Election Commissioner base salaries \$2,500 starting in 2010, in 2011 a base of 2.5% capped at 4.5% based on the Midwest Region Consumer Price Index, CPI-U. The Election Commissioner base salary of \$51,152 will have an increase of \$2,500; an additional \$4,500 will be added for the Jury Commissioner duties for a total salary of \$58,152. The Deputy Election Commissioner base salary of \$45,229 will have an increase of the \$2,500; an additional \$4,500 will be added for the Jury Commissioner duties for a total salary of ~~\$47,729~~ \$52,229. Ayes: Hike, Jones, Richards, & Jansen. Nays: Thomas. (Corrected by Board action on 12/08/2009);

and,

WHEREAS, it is the intent of this resolution to specify the manner of the payment of said salary, as well as those appurtenant benefits of such office as defined by previously adopted policies of Sarpy County.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS as follows:

- I. Said salaries shall be paid in twenty-six equal installments. These salaries shall be per calendar year, January 1, through the next following December 31. If, for any reason, the Commissioner or Deputy Commissioner is unable to complete his or her term of office, the salary paid for the completed portion of the term shall be equal to the salary to be paid for the year divided by the time spent in office during that year.
- II. The Board further finds that in addition to the salaries set forth above, each said official shall be entitled to the following benefits during the term of office:

- A. Life insurance and Long term disability insurance at no cost to the official.
  - B. Family group health insurance at no cost to the official.
  - C. Family dental insurance at no cost to the official.
- III. The Board finds and determines that the County reserves the right to enter into any program for the benefit of the Employees of the County, including but not limited to insurance programs and such other benefit programs as may be approved by this Board. Officials who hold office at the time such program is adopted shall be entitled to participate in such programs on the effective date of such program. Such participation shall be under such terms and conditions as this Board may establish.
- IV. It is the specific intent and finding of this Board, in support of the action set forth above, that the increases in salary, and/or benefits which may inure to the benefit of the official during his or her term of office, shall not constitute an increase in salary which is prohibited by Article III, §19 of the Constitution of the State of Nebraska.

DATED this 15<sup>th</sup> day of December, 2009.

Moved by Tom Richards, seconded by Rusty Hike, that the above Resolution be adopted. Carried.

YEAS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

NAYS:

none  
 \_\_\_\_\_  
 \_\_\_\_\_

ABSENT:

none  
 \_\_\_\_\_

ABSTAIN:

none  
 \_\_\_\_\_

[Signature]  
 County Clerk



Approved as to form:

[Signature]  
 Deputy County Attorney

**Linda Welles**

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**From:** Linda Welles  
**Sent:** Wednesday, December 16, 2009 8:15 AM  
**To:** Michael A. Smith  
**Cc:** Shannon Hadraba  
**Subject:** FW: Elected Officials Salaries

Mike:

Elected Officials' benefits questions:

- a) assumption that item #3 infers the Official must also be covered by the County's DENTAL insurance prior to retirement?
  - b) when referring to 'premium', it seems to be understood that the portion being paid by the County applies to both Health insurance premium and Dental insurance premium
- From the resolution (**BOLD** emphasis mine):

Upon retirement, Elected Officials may, if eligible, continue to receive **health and dental** insurance coverage provided under an existing Sarpy County Plan. In order to receive this coverage the Elected Official must: 1) have served a minimum of sixteen (16) years as an employee of Sarpy County and be serving as an Elected Official at the time of retirement; and, 2) be at least 55 years of age and not yet sixty-five (65) years of age; and, 3) be covered by the County's primary **health** insurance program prior to the time of retirement. The **premium** paid by the County for those qualifying is as follows: a) The County will pay 75% of the monthly premium for single coverage and 50% of employee/spouse, employee/children or family coverage; or, b) for those Elected Officials at least sixty (60) years of age but not yet sixty-five (65) years of age, the County shall pay the entire single coverage premium and fifty percent (50%) of employee/spouse, employee/children or family coverage.

*Inferred Dental coverage included*  
*but*  
*Q agree with all*

I am updating the Benefit Summary for the Officials and need your input.

Thanks!

*Linda*

Linda Welles  
Senior Administrator  
Sarpy County Personnel Department  
402/593-4487

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**From:** Chris Vance  
**Sent:** Tuesday, December 15, 2009 2:43 PM  
**To:** Linda Welles  
**Cc:** Debra J. Houghtaling; Renee Lansman  
**Subject:** RE: Elected Officials Salaries

Linda,