

**22-417. Consolidation of county offices; powers and duties; procedure; hearing; ballot; form; election; term.**

(1) Any county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor, or register of deeds, except that the consolidated officeholder shall meet the qualifications of each office as required by law. The consolidated office shall have the powers and duties provided by law for each office consolidated. The county board may adopt a resolution for the consolidation of any of such offices and submit the issue of the consolidated office to the registered voters for approval at the next general election or at a special election called for such purpose. The county board shall hold a public hearing prior to adoption of a resolution for the consolidation of offices and shall give notice of the hearing by publication in a newspaper of general circulation in the county once each week for three consecutive weeks prior to the hearing. Final publication shall be within seven calendar days prior to the hearing. The notice shall describe the offices to be consolidated and that the holder of the offices to be consolidated shall have his or her term of office end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(2) The county board shall adopt the resolution for the consolidation of offices by majority vote of the board and shall submit the issue of consolidation to the registered voters for approval at the next general election or at a special election called for such purpose. For each consolidated office submitted for approval, the question shall be submitted to the voters in substantially the following form:

"Shall (name of each office proposed to be consolidated) be consolidated into one consolidated office according to the resolution adopted by the county board of (name of county) on (date of adoption of the resolution by the county board)? Yes No".

(3) If the majority of the registered voters in the county voting on the question vote in favor of consolidation, the consolidated office shall be filled at the next general election, and the terms of the incumbents shall end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(4) The term of a consolidated officer shall be four years or until his or her successor is elected and qualified, except that the term of a consolidated officer elected in the year 2000 or any fourth year thereafter shall be two years or until his or her successor is elected and qualified.

(5) Any election under this section shall be in accordance with the Election Act.

**Source:** Laws 1996, LB 1085, § 26; Laws 1997, LB 269, § 28.

**Cross References**

**Election Act**, see section 32-101.

# Lloyd J. Dowding

Sarpy County Register of Deeds

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Steven J. Stastny  
Chief Deputy

COPY

THE FOLLOWING ARE MY THOUGHTS ON COMBINING REGISTER OF DEEDS WITH EITHER THE COUNTY CLERK OR THE ASSESSOR OFFICE.

THE FOLLOWING INFORMATION IS TO PRIMARILY POINT OUT THAT THE OFFICE OF REGISTER OF DEEDS IS A FUNCTION CREATED BY THE STATE AND THE DUTIES ARE STRICTLY CLERICAL AND BOOKKEEPING IN NATURE. WHILE THE MAJORITY OF DOCUMENTS THAT THE REGISTER OF DEEDS HANDLES, PERTAIN TO REAL ESTATE, THE REGISTER OF DEEDS FUNCTION AND CONCERN IS TO PROPERLY RECORD AND FILE, COLLECT FEES AND TAXES, AND SAFELY PRESERVE, THOSE RECORDS IN A PERPETUAL MEDIUM.

THE REGISTER OF DEEDS DOES NOT DEAL IN BUILDINGS AND PERSONAL PROPERTY, NOR DETERMINE VALUES OR KEEP ANY RECORDS PERTAINING TO THAT FORM OF REAL ESTATE.

THE REGISTER OF DEEDS FILES OR RECORDS, BY STATUTE, DEEDS, MORTGAGES, CONSTRUCTION LIENS, FEDERAL TAX LIENS, STATE TAX LIENS, PLATS AND MAINTAINS A FILING CATEGORY CALLED A MISCELLANEOUS FILING.

## NEBRASKA STATE STATUES:

- 1) 23-1503 THE REGISTER OF DEEDS SHALL KEEP A BOOK OR COMPUTERIZED SYSTEM IN WHICH EVERY INSTRUMENT FILED FOR RECORD SHALL BE ENTERED AT THE TIME OF FILING. THE BOOKS OR COMPUTERIZED SYSTEM SHALL SHOW THE FINAL DISPOSITION OF SUCH INSTRUMENT.
- 2) 23-1506 REGISTER OF DEEDS SHALL HAVE CUSTODY OF AND SAFELY KEEP AND PRESERVE ALL BOOKS, RECORDS, MAPS, AND PAPERS DEPOSITED IN THE OFFICE. AND SHALL CAUSE TO BE RECORDED, ALL DEEDS, MORTGAGES, INSTRUMENTS, AND WRITINGS PRESENTED FOR RECORDING
- 3) 23-1508 REGISTER OF DEEDS MUST KEEP A GRANTOR AND A GRANTEE INDEX OF DEEDS IN THE OFFICE.
- 4) 23-1511 REGISTER OF DEEDS MUST INDEX ALL MORTGAGES.
- 5) 23-1512 REGISTER OF DEEDS MUST INDEX ALL CONSTRUCTION LIENS.
- 6) 23-1514 REGISTER OF DEEDS MUST KEEP A NUMERICAL INDEX.

- 7) 23-1516 REGISTER OF DEEDS MUST KEEP A MISCELLANEOUS RECORD BOOK.
- 8) 23-1517.07 REGISTER OF DEEDS MUST KEEP EITHER A PAPER COPY OR MICROFILM OF EVERY INSTRUMENT RECORDED.
- 9) 33-109 & 33-112 AUTHORIZE REGISTER OF DEEDS AND COUNTY CLERKS TO CHARGE SPECIFIC FEES, AND THE BOOKKEEPING PROCESS TO TRACK THOSE FEES.
- 10) 76-901 THROUGH 76-908 AND VARIOUS REGULATIONS CONTAINED, REQUIRES THE REGISTER OF DEEDS TO PROCESS AND COMPLETE A DEPARTMENT OF REVENUE FORM 529, AND COLLECT A TAX ASSOCIATED WITH THAT RECORDING.

IT SHOULD BE NOTED THAT WHILE DIFFERENT IN SPECIFICS, THE PROCESS IS SIMILAR IN MANY AREAS OF THE OPERATION IN A COUNTY CLERKS OFFICE.

THE COUNTY ASSESSOR DOES HAVE A CLERICAL STAFF THAT PRIMARILY FUNCTIONS AS BACKUP FOR THE APPRAISERS DETAIL WORK, WHICH SPELLS OUT THE MAIN FUNCTION OF THE ASSESSOR. THAT OF COURSE IS TO DEVELOP TAXABLE VALUES ON PROPERTY IN THE COUNTY.

OTHER STATUTES PERTAINING TO REGISTER OF DEEDS AND COUNTY CLERK

- 1) 32-518, (PARAPHRASED) REGISTER OF DEEDS SHALL BE ELECTED IN A COUNTY WITH A POPULATION OF MORE THAN TWENTY THOUSAND AND IF COUNTY POPULATION DROPS UNDER TWENTY THOUSAND THE STAND ALONE OFFICE OF REGISTER OF DEEDS WILL CONTINUE.
- 2) 23-1502 "UNLESS A REGISTER OF DEEDS IS ELECTED PURSUANT TO SECTION 32-518, THE COUNTY CLERK SHALL PREFORM ALL THE DUTIES IMPOSED BY LAW UPON THE REGISTER OF DEEDS AND SHALL BE EX-OFFICIO REGISTER OF DEEDS.
- 3) 22-417, (PARAPHRASED) ANY COUNTY MAY CONSOLIDATE THE OFFICE OF CLERK OF DISTRICT COURT, COUNTY ASSESSOR, COUNTY CLERK, COUNTY ENGINEER, COUNTY SURVEYOR OR REGISTER OF DEEDS.

I BELIEVE IT IS IMPORTANT TO REFLECT ON 23-1502, WHICH SHOWS IT WAS OBVIOUS TO OUR STATE LAW MAKERS, THE SIMILARITIES AND EASY FLOW OF PREFORMING COUNTY BUSINESS BETWEEN THE REGISTER OF DEEDS AND COUNTY CLERK.

HISTORY OF COMBINING REGISTER OF DEEDS OFFICE.

- 1) LANCASTER COUNTY WAS THE FIRST TO MERGE THE REGISTER OF DEEDS WITH THE COUNTY ASSESSOR. THE REASON FOR DOING SO, WAS PROMOTED AS A LARGE SAVING IN TAXPAYER DOLLARS. IN ESSENCE THIS HAS NOT HAPPENED. IF FACT THERE WAS POLITICAL MANEUVERING TO UNSEAT THE PRESENT REGISTER OF DEEDS AT THAT TIME. THE ONLY AVAILABLE AND POLITICALLY EFFICIENT OFFICE WAS THE COUNTY ASSESSOR.
  
- 2) SOME YEARS LATER DOUGLAS COUNTY WENT THROUGH THE SAME PROCESS. THEY HAD EVEN TRIED AT ONE TIME TO MERGE THEIR REGISTER OF DEEDS WITH THE SARPY COUNTY REGISTER OF DEEDS, BECAUSE THEY WERE NOT SATISFIED WITH THEIR PRESENT OFFICIAL, WHICH PROVED UNEVENTFUL. LATER THERE WAS MOVEMENT TO AGAIN UNSEAT THE SERVING REGISTER OF DEEDS AND THEY CHOSE THE ASSESSOR OFFICE THINKING THAT THE REGISTER OF DEEDS WOULDN'T QUALIFY, AND IF THAT WAS ACCOMPLISHED THEY THOUGHT THE PRESENT ASSESSOR WOULD WIN OUT IN AN ELECTION. NEITHER OF THESE SCENARIOS WORKED OUT. AND THEY ARE PRESENTLY FINDING THEY COSTS OF THE COMBINED OFFICE IS COSTING TAXPAYERS A GREAT DEAL MORE THAN EVER ANTICIPATED.
  
- 3) HALL COUNTY ALSO MADE THIS SAME MOVE. AGAIN IT WAS POLITICAL IN NATURE. ONE OF THEIR COUNTY COMMISSIONERS WAS INSTRUMENTAL IN CREATING THE STATUE ALLOWING CERTAIN COUNTY OFFICES TO COMBINE. SINCE THERE WAS SOME POLITICAL DIFFERENCES WITH THE REGISTER OF DEEDS AND THE COUNTY BOARD THEY ELECTED TO FOLLOW LANCASTER AND DOUGLAS COUNTIES AND FOR NO OTHER REASON.

ADDITIONAL FACTS:

- 1) IN NEBRASKA THERE ARE 15 STAND ALONE REGISTER OF DEEDS OFFICES.
- 2) IN NEBRASKA THERE ARE 3 COMBINED REGISTER OF DEEDS AND ASSESSORS.
- 3) IN NEBRASKA THERE ARE 75 COUNTIES WHERE THE COUNTY CLERK IS THE REGISTER OF DEEDS EX-OFFICIO.
- 4) IN NEBRASKA THERE IS A STATE WIDE ASSOCIATION "THE NEBRASKA ASSOCIATION OF CLERKS, REGISTER OF DEEDS AND ELECTION COMMISSIONERS. NOTE THE ASSESSORS HAVE THEIR OWN ASSOCIATION AND THE TWO DO NOT COORDINATE.
- 5) NATIONALLY THERE IS ALSO A VERY LARGE ASSOCIATION CALLED "NACRC" NOW KNOWN AS "IAGO" INTERNATIONAL ASSOCIATION OF GOVERNMENT OFFICIALS. THIS NATIONAL ORGANIZATION IS MADE UP OF COUNTY CLERKS, REGISTER OF DEEDS, ELECTION COMMISSIONERS AND TREASURERS. ASSESSORS MAY HAVE THEIR OWN NATIONAL ASSOCIATION THAT IS UNKNOWN TO ME.

MAKING THESE STATEMENTS, POINTS OUT TO ME THAT THE COMBINING OF THE REGISTER OF DEEDS WITH THE COUNTY ASSESSOR SEEMS TO BE AN ABERRATION OF FUNCTIONS, SPECIFICALLY HERE IN NEBRASKA, AND NATIONALLY.

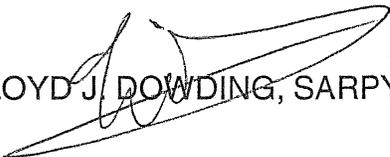
A STUDY WAS PREFORMED BY MR. THOMAS C. FREBERG, A TITLE AGENT AND ABTRACTOR. HERE PRESENTED HIS RESULTS TO VARIOUS COUNTIES IN NEBRASKA, THAT WERE CONTEMPLATING COMBINING THE REGISTER OF DEEDS AND ASSESSORS. OF ALL THE COUNTIES HE PRESENTED HIS STUDY TO ALL DROPPED THE IDEA OF MERGING EXCEPT DOUGLAS AND HALL.

I WOULD SUGGEST THAT A COPY OF THAT STUDY BE GATHERED FOR MORE REVIEW. MR. THOMAS C. FREBERG COULD BE REACHED BY PHONE 402-312-3473 OR E-MAIL [TOMFREGERG@COX.NET](mailto:TOMFREGERG@COX.NET)

I'LL END THIS BY QUOTING TWO OLD SAYINGS THAT COULD APPLY HERE.

- 1) A PENNY SAVED IS A PENNY EARNED.
- 2) PENNY WISE AND POUND FOOLISH.

WELL, I'LL LEAVE THAT DECISION TO HIGHER AUTHORITY AS TO WHICH QUOTE IS BETTER SERVED.

  
LLOYD J. DOWDING, SARPY COUNTY REGISTER OF DEEDS, 01/13/2016

# **FINAL REPORT AND RECOMMENDATIONS OF THE LANCASTER COUNTY CONSOLIDATION COMMITTEE**

## **COMMITTEE MEMBERS**

Dale Gruntorad, Chair; Wayne Giebelhaus, Vice Chair; Art Althouse, Barbara Chesnut, Richard McGinnis, Eugene Carroll, Frank Eman, Sharon Nemeth, and Margy Ryan

Facilitator: Gordon Kissel

## **INTRODUCTION**

The Lancaster County Consolidation Committee was formed by the Lancaster County Board of Commissioners in June of 1996. The Committee was established in response to 1996 NEB. LAWS LB 1085. Under Section 26 of LB 1085, a county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, or register of deeds. The full text of LB 1085, Section 26 is reproduced in *Appendix A*.

Specifically, the County Board is authorized to adopt a resolution for the consolidation of any of these offices and submit the issue for the creation of a consolidated office to the registered voters for approval at the next general election. The Consolidation Committee was established to examine the efficacy of consolidating county offices under LB 1085 and then recommend to the Board which of these offices, if any, should be consolidated.

The County Board sought broad community representation on the Committee. The Board issued a press release asking for volunteers to serve on the Consolidation Committee and numerous responses were received. Committee members were selected based on their background and particular areas of expertise. Thus, Committee members represented a broad spectrum of interests in the community, including business, labor, financial, and rural. Members were also selected based on their past involvement with and knowledge of issues involving local government.

## **SUMMARY OF DISCUSSIONS**

In formulating its recommendations, the Consolidation Committee engaged in discussions covering a wide range of topics and information relevant to the issue of county office consolidation. The Committee personally met with all of the elected officials holding the offices being considered for consolidation, including Kandra Hahn, Clerk; Norm Agena, Assessor; Marj Hart, Clerk of the District Court; Dan Nolte, Register of Deeds; and Don Thomas, Engineer. As a follow up to these discussions, Committee members were invited to tour the physical offices of the elected officials for the purpose of observing their operations. In addition, each elected official submitted to the Committee a summary of their duties and responsibilities.

Other persons who provided important information to the Committee include George Kilpatrick, Legal Counsel for the Revenue Committee; David Kroeker, Lancaster County Budget & Fiscal Officer; and Linda Steinman and Kathy Campbell, Lancaster County Commissioners.

George Kilpatrick provided valuable information to the Committee regarding the legislative intent underlying LB 1085. He discussed the usage of the property tax in Nebraska and provided a chronology of major property tax relief efforts undertaken by the Legislature.

David Kroeker provided the Committee with extensive budget information regarding Lancaster County, including expense and revenue charts, a 10-year history of tax rates and property valuation, and numerous other documents setting forth general budgetary statistics.

Commissioners Linda Steinman and Kathy Campbell addressed the Committee regarding joint departments between the City of Lincoln and Lancaster County established pursuant to interlocal agreements.

The Committee also reviewed a number of documents relating to county government and the offices being considered for possible consolidation. A list of the documents and reports reviewed by the Committee is set forth in *Appendix B*.

Since the primary purpose for the creation of the Committee was to review the potential of consolidating county offices, a review of the statutory duties charged to the various offices was important. In this regard, the Committee was supplied with a written summary of the statutory duties for the offices of clerk, district court clerk, assessor, register of deeds and engineer.

After careful consideration of all the information, the Consolidation Committee articulated several basic principles which formed the foundation underlying their recommendations. First, the Committee recognized that increasing the efficiency of county government is a dynamic process and the duties performed by county officials should be reviewed continuously.

Second, Lancaster County has realized enormous savings in the past through the use of Interlocal Cooperation Agreements and the continued use of such agreements should be encouraged in the future. This is especially true in the relationship between the City of Lincoln and Lancaster County.

A third general principle identified by the Committee relevant to the reorganization of county offices is that the performance of certain functions should be consolidated under one office rather than split among several offices. The Committee noted that certain functions such as the accounting system and the overall records keeping system for Lancaster County are spread out under different County offices. The Committee felt that greater efficiencies could be realized by concentrating specific functions under one office. It should be noted that some statutory changes may be necessary in order to accomplish this goal.

## **RECOMMENDATIONS**

Applying the principles enumerated above, the Consolidation Committee made the following recommendations to the Lancaster County Board of Commissioners:

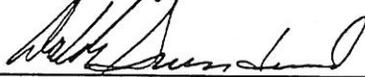
1. Merge county assessor and register of deeds;
2. Merge county engineer and city public works;
3. District clerk functions should be assumed by the State; and
4. All county records management functions should be identified and consolidated into one centralized location and authority.

## CONCLUSION

The Consolidation Committee recognized that only the first recommendation for the merger of the assessor and the register of deeds is specifically contemplated under LB 1085, Section 24. Also, one Committee member expressed concerns regarding service to rural areas if the county engineer is merged with city public works. However, it is the Committee's opinion that the broad intent of LB 1085 is to encourage counties to be creative in exploring alternatives for saving property tax dollars and increasing the efficiency of county government. The Committee believes that its recommendations provide the foundation for such an analysis.

Respectfully submitted by the Lancaster County Consolidation Committee

BY DALE GRUNTORAD, CHAIR



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## APPENDIX A

1996 NEB. LAWS LB 1085, Section 26 provides:

(1) Any county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor or register of deeds, except that the consolidated officeholder shall meet the qualifications of each office as required by law. The consolidated office shall have the powers and duties provided by law for each office consolidated. On or before August 1, 1996, and on or before August 1 every second year thereafter, the county board may adopt a resolution for the consolidation of any of such offices and submit the issue of the consolidated office to the registered voters for approval at the next general election. The county board shall hold a public hearing prior to adoption of a resolution for the consolidation of offices and shall give notice of the hearing by publication in a newspaper of general circulation in the county once each week for three consecutive weeks prior to the hearing. Final publication shall be within seven calendar days prior to the hearing. The notice shall describe the offices to be consolidated and that the holder of the offices to be consolidated shall have his or her term of office end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(2) The county board shall adopt the resolution for the consolidation of offices by majority vote of the board and shall submit the issue of consolidation to the registered voters for approval at the next general election. For each consolidated office submitted for approval, the questions shall be submitted to the voters in substantially the following form:

"Shall (name of each office proposed to be consolidated) be consolidated into one consolidated office according to the resolution adopted by the county board of (name of county) on (date of adoption of the resolution by the county board)? Yes No".

(3) If the majority of the registered voters in the county voting on the question vote in favor of consolidation, the consolidated office shall be filled at the next general election, and the terms of the incumbents shall end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(4) The term of a consolidated officer shall be four years or until his or her successor is elected and qualified, except that the term of a consolidated officer elected in the year 2000 or any fourth year thereafter shall be two years or until his or her successor is elected and qualified.

(5) Any election under this section shall be in accordance with the Election Act.

## APPENDIX B

Documents and reports reviewed by the Lancaster County Consolidation Committee include the following:

1. Selected statutes relating to the duties of clerk, clerk of the district court, assessor, engineer and register of deeds;
2. 1996 property tax legislation and history, report provided by Senator Jerome Warner and Mr. George Kilpatrick, Legal Counsel, Nebraska Legislature's Revenue Committee;
3. Reports from the following elected officials:
  - a. assessor;
  - b. register of deeds;
  - c. clerk; and
  - d. clerk of the district court
4. Letter from Patty Hansen, Lancaster County Election Commissioner, regarding election costs;
5. Summary sheet showing joint departments and commissions between the City of Lincoln and Lancaster County, as well as areas of informal functional cooperation;
6. Graphs of total expenses and revenues for FY 1997 through FY 1999 for clerk, clerk of the district court, assessor, engineer and register of deeds;
7. Article from Governing magazine entitled "Cry, the Beleaguered County", by Jonathon Walters;
8. County legal calendar prepared by Nebraska Association of County Officials (NACO);
9. Statistical data regarding Lancaster County budget;
10. Letter from Lincoln Title Companies regarding register of deeds;
11. Summary of statutory duties for clerk, clerk of the district court, assessor, engineer and register of deeds.

## Potential Cost Savings and Increased Efficiencies Which May or May Not Be Realized From the Consolidation of the Offices of the Register of Deeds and the County Assessor

We met with the County Assessor and the Register of Deeds to review what cost savings and efficiencies might result if the two offices were to be combined. Potential cost savings and efficiencies would be dependent on how management would structure the combined office. As a committee we believe there could be some efficiencies and possible cost savings even though we presently have one of the best Assessor and Register of Deeds offices in the State of Nebraska.

### Possible Cost Savings:

**Up to two full time equivalent positions**

*Savings could be up to \$100,000 per year.*

*These savings would be dependent on how the office would be structured.*

### Possible Efficiencies:

**Accuracy of deed information & flagging discrepancies earlier**

*This could be achieved by moving mapping & GIS departments and cross-training the staff.*

*Approximately 25% of the deeds that the Assessor's office receives have discrepancies of which 75% require research by the mapping staff. By having staff cross-trained, the majority of the discrepancies could be addressed at the time of filing or soon thereafter.*

**Time savings and better information available sooner by users of the information contained on the deeds filed**

*Copies of the deeds filed are provided to the County Engineer. By resolving the discrepancies sooner, this saves labor by not having to research the discrepancies. This also makes good information available sooner to planning, public works and the general public.*

**Less data entry**

*Deeds without a problem could be entered into the GIS base map and all systems tied into it would be updated immediately.*

**Document Scanning could be combined with records management**

**Uniform subdivision codes**

*Currently the Register Of Deeds and the Assessor are using different abbreviation codes for the names of the subdivisions located in Lancaster County. This lack of uniformity lends to inefficiencies within the the offices, as well as confusion amongst the users of the public records. Consolidation of the records should result in the conversion of one of the coding systems to the other.*

Submitted By:

Dale Gruntorad

Charlie Weber

David Kroeker

July 27, 2000

## **Cost savings as a result of merging the Register of Deeds office with the County Assessors office**

### **Immediate savings at time of merger**

Nolte salary	\$56,000
Maura's salary	\$53,000
Fall's salary	<u>\$35,000</u>
<b>Total salary savings</b>	<b>\$144,000</b>

### **Number of staff**

01/02	11/12
11	5

<b>Actual budget 01/02</b>	\$482,146
<b>CPI increase of 01/02</b>	\$593,040
<b>Actual budget 11/12</b>	\$353,000

Current budget is 40% less than the original budget with CPI increase

<b>Cost per document 01/01 budget</b>	\$5.65
<b>Cost per document with CPI increase</b>	\$6.95
<b>Cost per document 11/12 budget</b>	\$4.14

(Based on 85,353 documents which was the number filed 01/02)