

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA
RESOLUTION SETTING SALARIES OF COUNTY COMMISSIONERS

WHEREAS, pursuant to Neb. Rev. Stat. §23-1114(Reissue 2007), "The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices;" and,

WHEREAS, in the 2008 General Elections two (2) individuals will be elected to the Office of County Commissioner from Districts II, and V; and,

WHEREAS, Pursuant to Neb. Const. Art. II §19, any change in compensation shall be effective for all members of the Sarpy County Board of Commissioners, regardless of district or year of election.

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

- I. The salary for the Office of Sarpy County Commissioner, commencing January 1, 2011, shall be the 2010 Salary for the position, with no additional increase. The Salary for the year commencing January 1, 2012 shall be the Salary for 2011, with no additional increase. Said salary shall be paid in twenty-six equal installments. This salary shall be per calendar year, January 1, through the next following December 31. If, for any reason, a 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 salary for the Office of Chairman of the County Board of Commissioners for 2011, and for subsequent years, shall be the salary for the Office of County Commissioner for that

respective year, plus One Thousand Dollars (\$1,000).

- III. Said salary shall be paid in twenty-six equal installments. This salary shall be per calendar year, January 1, through the next following December 31. If, for any reason, the Chairman 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. Under no circumstances shall any salary provided for herein be reduced on account of any decrease in the cost of living for any particular year. Nor shall a negative cost of living in one year be offset against an increase in the cost of living in the following year.
- V. The Board further finds that in addition to the salary set forth above, the Elected Officials shall be entitled to the following benefits during the term of office:
 - A. Life insurance, long term disability insurance, family group health insurance, and family dental insurance under the same terms and conditions as is offered to County employees, as the same may be modified from time to time, at no cost to the elected official.
 - B. 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.

C. In the event a retired elected official is over the age of 65 and no longer eligible for coverage in the proceeding paragraph, but the spouse of said retiree has not yet reached the age of 65, said spouse shall be eligible for coverage upon payment of 50% of the premium, until such time as the spouse reaches the age of 65 or is no longer married to the retired elected official.

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. The Elected 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. The salary and compensation described herein shall apply be applicable all members of the Sarpy County Board of Commissioners, regardless of district or year of election. 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 elected 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.. 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."

DATED this 27 th day of October, 2009.

Moved by Joni Jones, seconded by Pat Thomas,
that the above
Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature]
Joni Jones
[Signature]
[Signature]
Pat Thomas

none

none

ABSTAIN:

none

[Signature]
County Clerk

