

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**  
**RESOLUTION SETTING SALARY OF THE SARPY COUNTY ATTORNEY FOR THE TERM**  
**OF OFFICE BEGINNING IN JANUARY OF 2011**

WHEREAS, pursuant to Neb. Rev. Stat. §23-1114.04 (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, an election for the Office of Sarpy County Attorney shall be held as part of the 2010 General Elections, and the person elected during the 2010 General Election shall take office in January of 2011;

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

- I. The salary for the Elected Office of Sarpy County Attorney, commencing January 1, 2011, shall be \$121,540.81. Commencing January 1, 2013, said salary shall increase by \$6,000.00 dollars. Said increase shall be in addition to the annual increases provided for in paragraph II. below, but said increase shall not occur in subsequent years.
  
- II. The Board further finds that the salary of the County Attorney shall be increased for each year thereafter 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 two and one-half (2.5) percent increase and shall not exceed a four and one-half (4.5) percent increase.
  
- 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 County Attorney 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 salary set forth above, the County Attorney shall be entitled to the such benefits as the County grants to exempt and managerial employees, including the following:
- 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.
  - D.
- 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 Attorney 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.

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 County Attorney 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 12<sup>th</sup> day of January, ~~2009~~ 2010.

Moved by Pat Thomas, seconded by Rich Janen that the above Resolution be adopted. Carried.

YEAS:

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

NAYS:

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

ABSENT:

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

ABSTAIN:

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



[Signature]  
County Clerk