



## **MEETING NOTICE**

**Lancaster County Elected Officials  
Salary Review Committee  
Monday, November 13, 2017 at 10:00 a.m.  
County-City Building  
555 South 10<sup>th</sup> Street - Suite 302  
(Personnel Conference Room)**

### **AGENDA**

1. Approval of Minutes for Meeting on October 16, 2017
2. Elected Official Interviews
  - a. Todd Wiltgen, County Board of Commissioners - 10:10 a.m.
  - b. Terry Wagner, County Sheriff - 10:30 a.m.
  - c. Troy Hawk, Clerk of the District Court - 10:50 a.m.
  - d. Joe Nigro, Public Defender - 11:10 a.m.
  - e. Joe Kelly, County Attorney - 11:30 a.m.
3. Open Discussion

Public parking is available in the lot north of the County-City Building. Entrance for the public is on 10<sup>th</sup> Street. You will receive a parking pass at the meeting for exiting the lot. Please contact Kerry at 441-6865 or Minette at 441-7447 if you have any questions.

**MINUTES**  
**LANCASTER COUNTY ELECTED OFFICIALS SALARY REVIEW COMMITTEE**  
**COUNTY-CITY BUILDING, ROOM 302**  
**MONDAY, NOVEMBER 13, 2017 AT 10:00 A.M.**

**Members Present:** Kathy Campbell, Former County Commissioner and Nebraska State Senator; Steve Eicher, Former Pfizer Human Resources Director; Jim Gordon, Attorney at Law; Judy Halsted, Former Lincoln-Lancaster County Health Department Director; Pat Kahm, Professional Resources Management, Inc.; Pat Kant, Former Lincoln-Lancaster County Human Resources Personnel Coordinator; Sam Seever, Former MDS Pharma Services Vice President of Legal Services

**Others Present:** Kerry Eagan, County Chief Administrative Officer; Doug McDaniel, City-County Personnel Director; Nicole Gross, City-County Human Resources Compensation Manager; Abby Stenek, Lincoln Independent Business Association (LIBA); Kelly Lundgren, County Clerk's Office

The following documents were distributed before the meeting:

1. Elected Official Interview Schedule (Exhibit A)
2. Lancaster County Board of Commissioners Duties and Responsibilities (Exhibit B)
3. Lancaster County Board Committee Assignments (Exhibit C)
4. Lancaster County Organizational Chart (Exhibit D)
5. Clerk of the District Court Duties and Responsibilities (Exhibit E)
6. Public Defender Duties and Responsibilities (Exhibit F)
7. County Attorney Duties and Responsibilities (Exhibit G)

The meeting was called to order at 10:06 a.m.

**1. APPROVAL OF MINUTES FOR MEETING ON OCTOBER 16, 2017**

Campbell moved and Eicher seconded approval of the minutes. The Committee unanimously voted to approve the minutes.

**2. ELECTED OFFICIAL INTERVIEWS**

**County Board**

Todd Wiltgen, County Board of Commissioners, rescheduled to Monday, November 20, 2017 at 11:30 a.m.

**County Sheriff**

Terry Wagner, Lancaster County Sheriff, provided an overview of his office's responsibilities and his salary recommendation (Exhibit H).

Wagner stated one-half of the Sheriff's Office responsibilities are a result of state statutes and not performed by other law enforcement agencies. He said the Sheriff's salary has fallen behind both other local law enforcement agencies as well as the comparable market used by Human Resources. For this reason, Wagner said he would recommend the 2019 salary for the Office of Sheriff be raised to \$134,000.

Eicher inquired if the increase in forensic analysis of cell phone and computers resulted in creating a new department or expansion specifically for that function. Wagner said approximately ten years ago the position an electronic evidence position was added which would maintain the mobile data terminals and do about twenty-five percent of the computer analysis. He stated that changed rapidly due to the public's use of technology the Electronic Evidence Unit was created which is a joint task force with the Sheriff's Office and Lincoln Police Department (LPD).

In response to questions regarding the number of University of Nebraska-Lincoln Police Department (UNL) and LPD sworn officers, Wagner said UNL campus police has 37 and LPD has 335.

Gordon asked Wagner why he did not recommend a higher salary. Wagner said he felt the recommended salary would be justifiable and with the annual cost of living adjustment that would decrease the current gap.

Campbell questioned if the figure of \$130,000 was correct for the Douglas County Sheriff. Doug McDaniel, City-County Human Resources Director, said that was the figure that was provided. Wagner said Douglas County elected officials have other incentives that figure into their salary and they do not use the same comparable counties as Lancaster County.

Kahm inquired if there has been an increase in staff. Wagner stated that there has been an increase in staff and noted the County Board has agreed to increase the patrol staff one additional deputy each year for the next six years. He said eight additional employees have been added to handle the increase in handgun and sex offender registrations.

### **Discussion on County Sheriff Salary**

In response to Kahm's inquiry regarding how the Chief Deputy Sheriff's salary is determined, McDaniel said the deputy for the elected official may be a percentage or may be fixed. Kerry Eagan, Chief Administrative Officer, stated traditionally the chief deputy salary is 95% of the elected official but cannot be set lower than 65%.

Campbell noted one thing to consider is that the duties of the County Sheriff and the LPD Chief are not the same. She said she felt that the salary was a little low.

Halsted said the salary seemed low compared to the UNL Police Chief and the other comparable leadership law enforcement agencies.

Campbell requested McDaniel to contact Douglas County for additional information on their elected official's salaries.

### **Clerk of the District Court**

Troy Hawk, Clerk of the District Court, reviewed the duties of his office (see agenda packet). He said the Clerk of the District Court office received a substantial increase over the last four years and does not need to be increased beyond the normal cost of living increases. Hawk said state statute determined that the Clerk of the District Court would perform the duties of Jury Commissioner with no additional compensation.

Eicher questioned if Hawk's volume of work has increased. Hawk said the addition of Jury Commissioner did increase the work load, however staff with experience in the duties transferred which helped offset the increase. He stated the work load has not increased due to filings but the process of providing hard copies and electronic version creates difficulties.

Halsted inquired if the process of increasing the Clerk of the District Court's salary over four years was fair. Hawk said he felt that it made it easier on the County's budget and it was appropriate.

### **Public Defender**

Joe Nigro, Public Defender, reviewed the duties of his office (see agenda packet). He stated that traditionally the Public Defender and County Attorney salary is equal. Nigro said the goal is to have both salaries be comparable to the District Court Judge salary which for 2019 will be \$160,000. He noted the Douglas County Public Defender's salary is currently \$179,000.

Halsted inquired why Nigro felt his salary should be the same as the Chief District Court Judge. Nigro said the courts, the prosecution and defense are the three parts of the justice system and should all be equal. He noted the salaries are not that far apart and would be a good benchmark to use.

Eicher questioned how the work load standards are determined. Nigro said the Public Defender's Office began tracking time in 1981 and nine years ago developed a case management system. He said standards were set based on the average time needed in a case.

### **County Attorney**

Joe Kelly, County Attorney, reviewed the duties of his office (see agenda packet). He noted the County Attorney's Office is the third largest law firm in the County and feels that should be taken into consideration when determining the salary for the County Attorney.

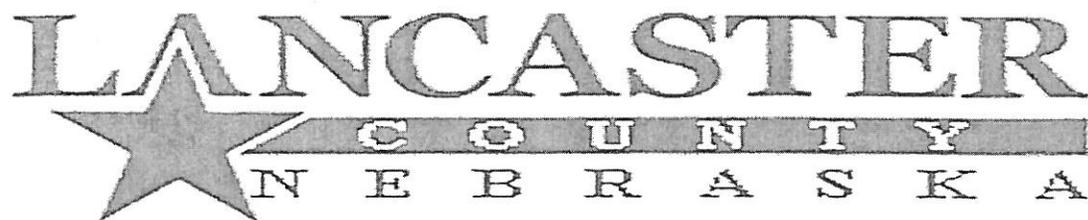
Gordon inquired what can be done to narrow the salary gap between District Court Judge and County Attorney. Kelly said it is difficult to predict what, if any raises the judges will receive over the next few years. He stated he does know the 2019 salary will be \$163,076.

### **3. OPEN DISCUSSION**

There was no other discussion.

Campbell moved and Halsted seconded to adjourn the meeting at 11:55 a.m. The Committee unanimously voted to adjourn.

Submitted by Kelly Lundgren, County Clerk's Office



MEMORANDUM

To: Elected Officials  
From: Kerry P. Eagan  
Re: County Elected Officials Salary Committee  
Date: October 16, 2017

As you are aware, the Lancaster County Board of Commissioners is required by statute to set salaries for all County elected officials prior to January 15 of the year in which a general election will be held. Once again, the County Board has formed a citizens committee to make recommendations to the Board on salaries.

The Salary Committee would like to meet with each County elected official to assist in making their recommendation to the Board. The Committee has requested each elected official to prepare a brief written summary of their responsibilities and duties, with emphasis on how your position has been impacted during the last four years because of additional duties or technological changes. Please send your responses to me no later than a week before you are scheduled to meet with the committee. Budget information will be supplied to the Committee by Dennis Meyer, Budget & Fiscal Officer. Further, the Committee would like your opinion regarding what a fair salary would be based on your responsibilities and duties. Please limit your responses to no more than two pages.

The following meeting schedule has been proposed:

Monday, November 13  
Human Resources Conference Room (# 302)  
10:10 a.m. – Todd Wiltgen  
10:30 a.m. - Terry Wagner  
10:50 a.m. - Troy Hawk  
11:10 a.m. – Joe Nigro  
11:30 a.m. - Joe Kelly

Monday, November 20  
Human Resources Conference Room (# 302)  
10:10 a.m. – Pam Dingman  
10:30 a.m. - Norm Agena  
10:50 a.m. - Andy Stebbing  
11:10 a.m. - Dan Nolte

Please contact me as soon as possible if you have any questions regarding this memo or if you have a conflict on the date you are scheduled to meet with the committee. Thanks.

## LANCASTER COUNTY BOARD OF COMMISSIONERS Duties and Responsibilities

The Lancaster County Board of Commissioners is an elected five-member part-time board which serves as the executive and legislative branch of Lancaster County government. The County Board also serves in a quasi-judicial capacity when acting as the Board of Equalization and Zoning Board of Adjustment.

Primary responsibilities include management of county funds, care of county property, adoption of the county budget, setting of tax levies and salaries of elected and appointed county officials, appointment of officials and administration of programs established by state law.

The Board also considers and votes on county matters, schedules and attends annual department budget hearings and approves or modifies budgets, reviews and signs vendor and payroll claims, serves as liaison to state, county and city departments, boards and commissions, and gives information to the public concerning county policies and functions.

The Board annually approves and monitors the county budget, \$184,767,009 for FY 2017/2018. There are approximately 860 county employees involved in such areas as human services, maintenance and construction of roads and bridges, correctional services, tax assessment and collection, law enforcement, and criminal and civil law.

The County Board also works directly and indirectly with eight (8) other elected officials and directly oversees twelve (12) appointed department heads.

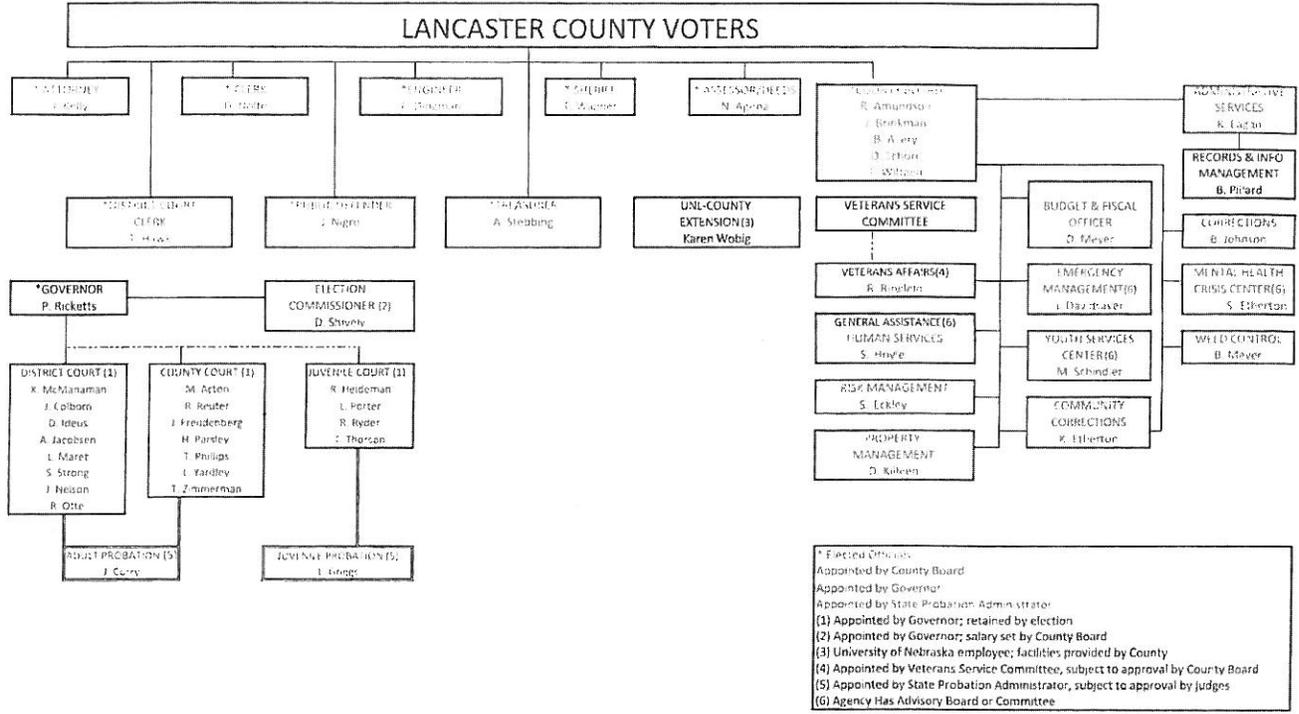
Each January the Board elects one of its members as chair and presiding officer for a one year term. The county Board has power only when it acts collectively and individual members have no power to act officially for the county except when specific powers have been delegated to individual members by the entire Board. County Board meetings are held each Tuesday and Thursday mornings. Most official business is handled at the Tuesday meeting, while the Thursday meeting is used for administrative matters and general policy discussions.

Additionally, the Board meets as the County Board of Equalization, County Board of Corrections, County Highway Commission and Zoning Board of Adjustment.

# COMMITTEE ASSIGNMENTS -2017

Deb	Bill	Todd	Jennifer	Roma
	<b>Vice-Chair</b>	<b>Chair</b>		
<p>Board of Corrections (Chair)</p> <p>District Energy Corporation</p> <p>Human Services Joint Budget Committee</p> <p>NACO Board of Directors (Executive Committee)</p> <p>RTSD (Chair)</p> <p>Parks and Recreation Advisory Board</p>	<p>Board of Corrections (Vice-Chair)</p> <p>Board of Equalization (Vice Chair)</p> <p>District Energy Corporation</p> <p>JPA (Corrections)</p> <p>Lincoln-Lancaster County Board of Health</p> <p>Lancaster County Mental Health Crisis Center Advisory Committee</p> <p>Monthly Meeting of County Board Chair, Vice Chair &amp; Mayor</p> <p>Monthly Meeting of County Board Chair, Vice Chair &amp; Planning</p> <p>(MPO) Officials Committee</p> <p>Visitors Promotion Committee</p>	<p>Board of Equalization ( Chair)</p> <p>Chamber Coffee</p> <p>General Assistance Monitoring Committee</p> <p>Information Services Policy Committee</p> <p>JPA (Corrections)</p> <p>Lancaster County Fairgrounds Joint Public Agency (Chair)</p> <p>Monthly Meeting of County Board Chair, Vice Chair &amp; Mayor</p> <p>Monthly Meeting of County Board Chair, Vice Chair &amp; Planning</p> <p>(MPO) Officials Committee</p> <p>Region V Systems Governing Board (Secretary)</p> <p>Region V Services Governing Board (Secretary)</p> <p>RTSD</p>	<p>Emergency Medical Oversight Governing Board</p> <p>Human Services Joint Budget Committee</p> <p>LPED Investors</p> <p>Public Building Commission</p> <p>RTSD</p>	<p>Chamber Coffee</p> <p>Juvenile Justice Review Committee</p> <p>Lancaster County Fairgrounds Joint Public Agency</p> <p>LIBA - Budget Monitoring Committee</p> <p>Monthly Meeting of PBC Chair/Vice Chair &amp; Mayor</p> <p>NACO Board of Directors</p> <p>Public Building Commission (Vice-chair)</p>

MPO - Chair & Vice-Chair  
MPO-Tech - Kerry Eagan  
ISPC - Dennis Meyer & 1 County Commissioner  
(Updated: January 2017) F:\Admin\Private\County Board Info\2017\2017 Assignments .wpd



\* Elected Officials  
 Appointed by County Board  
 Appointed by Governor  
 Appointed by State Probation Administrator  
 (1) Appointed by Governor; retained by election  
 (2) Appointed by Governor; salary set by County Board  
 (3) University of Nebraska employee; facilities provided by County  
 (4) Appointed by Veterans Service Committee, subject to approval by County Board  
 (5) Appointed by State Probation Administrator, subject to approval by judges  
 (6) Agency Has Advisory Board or Committee



TROY L. HAWK  
CLERK of the DISTRICT COURT  
LANCASTER COUNTY  
575 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508-2810  
402-441-7328/FAX 402-441-6190

RECEIVED



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LANCASTER COUNTY  
BOARD

October 30, 2017

County Elected Officials Salary Committee  
Lancaster County, Nebraska

RE: County Elected Officials Salary Committee

Dear Committee Members,

The Clerk of the District Court is responsible for all record keeping pertaining to civil, criminal, juvenile, and appellate cases filed in, appealed to, and appealed from, the District Court of Lancaster County. Additionally, the Clerk maintains confidential files in several areas including: Grand Jury, search warrants, judicial by-pass petitions, and Mental Health Board files, and all other cases sealed by order of the Court. The Clerk of the District Court is also responsible for the processing of all the Court's monies, including: filing fees, judgments, alimony payments, and bond payments. The Clerk's Office process nearly one million dollars each month. Finally, the Clerk also serves as the Jury Commissioner for Lancaster County.

Several changes in the past four years have impacted the Clerk of the District Court. First is the increasing number of *pro se* litigants in the Courts. In today's difficult economic times, more and more individuals are choosing to represent themselves in Court. Unfortunately, many *pro se* litigants do not understand the proper rules and procedures that must be followed, nor the proper pleadings they must file. I and my staff spend an increasing amount of time not only reviewing these documents, but also corresponding with litigants to obtain missing documentation or payment.

Second, in recent years the Administrative Office of the Supreme Court has been increasing the opportunities for electronic access to Nebraska Courts, including: electronic filing (E-filing), electronic payments (E-pay), electronic appeals (E-appeals), electronic notice (E-notice), as well as other means of electronic access to the Courts and Court files. While the Clerk's Office applauds and fully supports this effort, it comes at increased workload to the Clerk's staff. Few of these electronic processes have *replaced* traditional processing of Court files. Rather, they have *supplemented* them. This has resulted, in many cases, in either duplication of effort for my staff or, at minimum, parallel processes: the electronic process as well as the traditional "paper" processing of files. There is also a significant amount of training that must be accomplished to maintain staff proficiency in these varied and duplicative processes. While we unequivocally agree with the increased access to the Courts via electronic means, it creates additional complexity and workload.

Finally, in the fall of 2016, the function of Jury Commissioner moved from the Lancaster County Election Commissioner's Office to the Clerk of the District Court. As Jury Commissioner,

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CHUCK SALEM – CHIEF DEPUTY

the Clerk each year develops and maintains the Master Jury List for the County, and sends over 13,000 jury qualification forms out each year to prospective jurors. Of these, over 6,000 are typically qualified for jury duty, and each year, over 125 juries are actually seated for trials in the District and County Courts.

As you can see, the Clerk of the District Court's Office is not only more complex in its daily operations than it was four years ago, but the growing number of *pro se* litigants do not understand those complexities and continue to file improper or incomplete paperwork, thereby increasing the workload of the Clerk. Additionally, when the Clerk became the Jury Commissioner, the amount of work and the level of complexity also increased. The challenges faced by the Clerk of the District Court are by no means insurmountable. However, I expect these issues to continue; the elected Clerk must lead, grow, and evolve the office to meet the challenges of the future.

I have been asked what I believe a fair salary is based on the responsibilities and duties of the Clerk of the District Court. I'd like to preface my recommendation with two comments. First, although bringing the Jury Commissioner brought in 2 additional employees and significant additional workload, Neb.Rev.Stat. §25-1625(4) states:

In counties having a population in excess of two hundred thousand inhabitants, the judges of the district court . . . shall determine whether the clerk of the district court will perform the duties of jury commissioner without additional compensation or the election commissioner will be jury commissioner ex officio.

Thus, it would not be appropriate to increase the District Court Clerk's salary based simply on the Jury Commissioner function being added. Second, over the last four years, the salary for the Clerk of the District Court increased significantly due to decisions made by the County Board the last time elected officials' salaries were set.

Given these two observations, I do not believe a significant increase to the salary of the Clerk of the District court is warranted; cost of living increases are appropriate over the next four years, but beyond cost of living increases, I would recommend no further increases to the salary of the Clerk of the District Court.

Sincerely,

A handwritten signature in black ink that reads "Troy L. Hawk". The signature is written in a cursive style with a large, stylized "K" at the end.

Troy L. Hawk  
Clerk of the District Court



LAW OFFICES OF THE  
LANCASTER COUNTY PUBLIC DEFENDER  
COURTHOUSE PLAZA  
633 SOUTH 9TH STREET  
LINCOLN, NE 68508  
(402) 441-7631  
FAX (402) 441-6059

### MEMORANDUM

**TO:** Elected Officials Salary Review Committee

**FROM:** Joe Nigro  
Lancaster County Public Defender

**DATE:** October 25, 2017

**SUBJECT:** Elected Public Defender Salary

The Lancaster County Public Defender is responsible for the management and operation of an office that provides constitutionally mandated legal representation for individual clients, when appointed by the courts, in all types of felony and misdemeanor criminal actions filed by the County Attorney or the City Attorney, in juvenile court proceedings, mental health commitment proceedings, and appeals to the Nebraska Court of Appeals and the Nebraska Supreme Court. The FY18 budget for the Lancaster County Public Defender's Office is \$4.3 million, and the office has 41 employees, including 22 attorneys, 5 paralegals, 2 investigators, 1 social worker, 1 office manager, 4 full time and 2 part time support staff, and 4 part time law clerks.

The public defender is now responsible for the negotiation, management and evaluation of 2 contracts for legal services worth over \$500,000 a year. 1 contract is with a private law firm for legal services in the Child Support/Paternity cases and 1 contract is with Nebraska Legal Aid for services in the Separate Juvenile Court of Lancaster County. The public defender is also responsible for negotiating reimbursement from the City of Lincoln through an interlocal agreement for representation of indigent people charged by the City Attorney with violations of the Municipal Code.

The public defender also provides leadership and support for the Lancaster County Indigent Defense Advisory Committee, consisting of local attorneys nominated by the Lincoln Bar Association and appointed by the County Board to provide counsel and advice to both the County Board and the Elected Public Defender on issues relating to indigent defense. The public defender participates in criminal justice reform efforts at the state and local level, serving on the Justice Council, the Justice Behavioral Health Committee, the Access to Justice Commission, the Supreme Court Committee on Practice and Procedure, the Supreme Court Problem Solving Court Committee, the DUI

Court Committee, and chairing the Mental Health Court Committee. The public defender meets with state senators, and testifies on criminal justice issues at the Legislature. The public defender prepares fiscal notes assessing the impact of legislation on Lancaster County.

For approximately the past 12 years, this committee has recommended and the County Board has approved, the policy of establishing the same salary for the Elected Public Defender and Elected County Attorney. This is consistent with the federal system where the Federal Public Defender and United States Attorney earn the same salary, it is consistent with Nebraska Statutes concerning deputies in the 2 offices (Neb Rev Stat § 23-3401 (3)), and it is supported by national standards.<sup>1</sup> This policy should continue into the future.

Although the county is larger, the only comparable county to Lancaster County in Nebraska is Douglas County. It is my understanding that the salary in 2017 for the Douglas County Attorney and Public Defender is \$179,698. In 2018, it will be \$186,886. In 2019, it will be \$190,624. In 2020, the salary will be \$194,436. We are far behind Douglas County.

National standards relating to compensation for both the chief prosecutor and the chief defender in a given jurisdiction recommend that the salary for those offices should be commensurate with the responsibilities of the office and should reflect the necessary experience and skill sufficient to attract career personnel. Our justice system depends on a strong and impartial judiciary, lawyers who effectively represent their clients in court and, in the instance of criminal matters, prosecuting attorneys with the skills and resources to advocate the state's interest. A commonly used analogy is that of the three-legged stool, with those legs representing the state's courts, prosecutors, and defense attorneys. If any one of those three legs is weakened, the stool wobbles or falls. This is why national standards recommend that, in order to attract qualified candidates, the compensation for the County Attorney and Public Defender be comparable to that paid to the chief judge of the general trial jurisdiction (In Lancaster County that would be the District Court Judge).<sup>2</sup>

The 2017 salary for the Lancaster County Attorney and the Lancaster County Public Defender is \$154,757.08. The increase for 2018 has not been determined yet. The salary for a District Court Judge in Lancaster County is \$160,666.92. The recommended salary for the Lancaster County Public Defender and the Lancaster

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<sup>1</sup> Guideline For Legal Defense Systems in the United States, "Report of the National Study Commission on Defense Services" Guideline 3.2 (National Legal Aid & Defender Association, 1976)

<sup>2</sup> National District Attorneys Association, National Prosecution Standards, Third Edition, Standard 1-4.2 (2009); National Advisory Commission on Criminal Justice Standards and Goals, Courts 13.7 (1973); Guideline For Legal Defense Systems in the United States, "Report of the National Study Commission on Defense Services" Guideline 3.2 (National Legal Aid & Defender Association, 1976)

County Attorney in 2019 should be no less than \$160,666.92, with built in increases based upon inflation for future years determined by a formula similar to what is currently being used.



**JOE KELLY**  
LANCASTER COUNTY ATTORNEY

www.lancaster.ne.gov/attorney



November 3, 2017

**RECEIVED**

NOV 06 2017

LANCASTER COUNTY  
BOARD

Elected Officials Salary Review Committee  
Lancaster County, Nebraska

Dear Committee Members:

The Lancaster County Attorney's Office currently employs 34 attorneys and a 40-person support staff. We are the third largest law firm in the county behind Cline, Williams, Wright, Johnson, Oldfather L.L.P. and the Nebraska Attorney General's Office.

**Adult Criminal Division**

The attorneys in the adult criminal division cover 15 different courtrooms every day. [8 District Courts and 7 County Courts]. We file and prosecute all the felonies in the county. In 2016, we filed about 1,800 new felony cases. I am involved in charging decisions and plea negotiations in many cases each day. I personally prosecute one or two major felony cases each year. Some of those result in a trial and some of those are resolved by a plea agreement.

The prosecutors in the adult criminal division tried 54 jury trials in District Court in 2016. For context, I note that there were only 60 jury trials tried in the District Court in 2016. That total number includes our criminal prosecutions, plus civil suits tried by the private bar.

We file and prosecute about 5,500 new misdemeanor cases each year in the County Court. Pursuant to a long-standing agreement with the City Attorney, we file all the domestic violence cases investigated by local agencies. Our prosecutors also file over 10,000 traffic cases each year in the County Court.

Together with the Lancaster County Community Corrections Department, the County Attorney administers the Adult Pretrial Diversion program and the Veteran's Pretrial Diversion program. Our prosecutors participate in the teams for the Adult Drug Court and the Veteran's Treatment Court. The County Attorney is involved in the administration of those specialty courts, especially regarding the policies for eligibility to enter the courts and the selection of participants.

The County Attorney and the Chief Deputy County Attorney represent the state in all the post-conviction and habeas corpus appeals filed by criminal defendants in state courts. Most of these appeals are filed by prison inmates.

I presently serve as a gubernatorial appointee on the Nebraska Crime Commission and the Nebraska Crime Victim's Reparation Board. I also serve on the Nebraska Problem Solving Courts committee and the Committee on Equity and Fairness appointed by the Chief Justice of the Nebraska Supreme Court.

### **Juvenile Court Division**

The attorneys in the juvenile court division cover 4 different courtrooms every day. We file the '3(a)' petitions in Juvenile Court. These are abuse and neglect cases where generally, adults have abused or neglected the children in their charge. The Juvenile Court judges appoint private attorneys or the county contract attorneys to represent the various adults in these matters and guardian ad litem to represent the children. Our juvenile division attorneys spend about 70 % of their time on these 3(a), abuse and neglect cases.

Our juvenile court division also handles the school truancy cases referred by the public and parochial schools and ungovernable petitions that are filed when adults require the court's assistance with a child. Our participation involves screening the cases and frequently involving the youth in programs short of a formal filing. We staff the Truancy Courts that are conducted in several schools and the Chief Deputy in our juvenile division attends daily briefings at public middle and high schools. School administrators, teachers and our Chief Deputy develop solutions for students who are involved in the Juvenile Court.

The attorneys in the juvenile division also process and handle petitions on juvenile law violations when the juveniles have committed a crime. We actively screen those cases and divert hundreds of cases to pretrial diversion and similar programs.

The attorneys represent the state in any appeals of juvenile court matters which are filed with the Nebraska Supreme Court and the Nebraska Court of Appeals.

### **Civil Division**

The attorneys in this division advise the county board commissioners and 26 other agencies and elected officials on legal matters covering every aspect of county government. The attorneys negotiate, draft and review hundreds of contracts and MOUs each year. The civil attorneys represent the county in labor negotiations with labor unions.

The attorneys represent the county in matters such as tort claims filed by citizens against the county, easement disputes, property damage and personal injury claims filed by jail inmates, workman's compensation litigation, wrongful termination suits and various issues in bankruptcy proceedings. The attorneys in this division are required to review and approve inheritance tax filings and they assist the Assessor in the appeals involved with property tax assessments.

County Commissioners, elected officials and agency directors frequently contact our attorneys to seek legal advice on county business. Many of those contacts require an immediate, informal response while others require extensive legal research resulting in a written, legal opinion.

### **Child Support Division**

The attorneys and staff establish paternity and obtain a child support order from the court in cases where the custodial parent and the children are receiving public assistance. The attorneys enforce child support orders in those cases as well as other orders where the custodial spouse requests our assistance. The division handles over 12,000 active cases.

Enforcement tools used by the staff include wage garnishments, contempt proceedings, the revocation of driver's licenses, intercepting income tax refunds and checking account garnishments. In certain cases, the staff may pursue assets like cars or houses and insurance proceeds to satisfy child support delinquencies.

### **Coroner Duties**

In Nebraska, the County Attorney serves as the County Coroner. That involves determining the cause and manner of death for 'unattended deaths' in the county. Unattended deaths are those which occur anywhere other than a hospital or medical facility. In consultation with law enforcement, treating physicians and our forensic pathologists, the County Attorney determines whether to request an autopsy to determine the cause and manner of death. There were over 1,600 unattended deaths handled by this office in 2016.

Generally, law enforcement officers call the County Attorney from the scene of the death to begin the coroner process. Those telephone calls occur any day and at any time. Autopsies were ordered in about 130 cases last year. A medical group in Omaha performs the autopsies and toxicology screens pursuant to a contract with the county.

Additional consultation and coordination is required when the Nebraska Organ Recovery System is involved in an unattended death. A determination must be made about whether an organ retrieval will comprise the integrity of a subsequent autopsy.

Other forensic experts in odontology, entomology and DNA are consulted when the decomposition of the body makes it difficult to determine the cause and manner of death.

The County Attorney and staff complete the electronic death certificates for most of those unattended deaths. That process frequently involves discussions with funeral directors, family members and employees at Nebraska Vital Statistics.

## Grand Juries

Nebraska law requires the County Attorney to conduct grand jury investigations into 'in-custody' deaths and for individuals who die while being apprehended by law enforcement. We conduct grand juries in about 25 cases each year for individuals who die in the five, state prison facilities in the county. Many of the cases involve natural deaths and hospice deaths for inmates housed in prison. Homicides committed in the prisons are also included in this category.

The grand juries for deaths that result from officer-involved shootings require an enormous amount of attorney and staff time. The ultimate issue for the grand jury to determine is whether the officers committed any crimes in those situations. We conducted three of those grand juries in the past 18 months.

## Salary Considerations

The National Prosecution Standards provide that, "the salary of the full-time prosecutor should be at least that of the salary of the chief judge of general trial jurisdiction of the district of the prosecutor." National Prosecution Standards, 2<sup>nd</sup> edition, section 5.3. Other national publications and standards make the same recommendation.

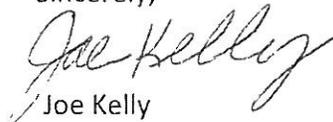
The rationale for compensation equal to the judges is based, in part, on the assumption that citizens want the same caliber of attorney in the elected position as on the bench. The people yield enormous power to the prosecutor in the American justice system.

My predecessor, Gary Lacey, and then Public Defender, Dennis Keefe, raised this issue many years ago. The county boards during the Lacey/Keefe years were committed to the principal that the salaries for the county attorney and public defender should be very close to the salary for our district court judges.

The current salary for the county attorney and public defender is \$154,757, scheduled to increase to \$157,852 in 2018. (assuming a 2% CPI). The current salary for the district court judges is \$160,666; or about \$5,909 more than the elected officials. The gap will narrow in 2018 for a year until the judges receive a guaranteed increase to \$163,076 in 2019. The gap will be back over \$5,000 at that time, depending on the County Board's decision.

Please call me at 402-441-8170 if you have any questions for me about this matter.

Sincerely,



Joe Kelly

Lancaster County Attorney

# Office of the Sheriff Lancaster County

Terry T. Wagner  
Sheriff

Todd Duncan  
Chief Deputy

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November 10, 2017

Kerry P. Eagan, Chief Administrative Officer  
Lancaster County Board of Commissioners  
555 South 10th Street  
Lincoln, NE 68508

Re: 2019 Salary Recommendation for the Office of Sheriff

Dear Mr. Eagan,

The Lancaster County Sheriff is the chief executive officer of the 7th largest law enforcement agency in Nebraska, consisting of 80 sworn deputy sheriffs and 27 civilian personnel, a fleet of 70 motor vehicles, and a \$12.7 million dollar budget. The Sheriff manages five divisions to carry out not only the statutory duties of sheriff, but the law enforcement duties of all peace officers in Nebraska. N.R.S. 23-1701 through 23-1736 spells out the general duties of the Sheriff. Several changes have occurred that have affected the workload of the Office in the past four years:

Statutory changes in the Sex Offender Registration procedures which took effect in 2010 continues to increase in the frequency Sex Offenders must report to my Office;

The changes in the political landscape have resulted in an 82% increase in Firearms Purchase Permit Applications processed by my Office;

County and District Court security have increased the workload of the Court Services unit. (We now have 8 District [Plus Referee], 4 Juvenile and 7 County Courts.)

LB561 (Juvenile Justice Reform Bill) passed is having a significant impact on the transportation of juvenile offenders.

Forensic analyses of cell phones and Personal Computers have become a full time job. We have seen a 350% increase in cell phone analyses and a 173% increase in Computer forensic analyses. It is not simply an increase in duties, but the complexity of managing of those duties, the personnel and our investigations that have defined today's law enforcement administrator.

Below are the current salaries for management positions within local law enforcement agencies compared to the Sheriff's 2017 salary:

Sheriff	\$120,438
LPD Chief -	\$135,000 (2016)
LPD Asst. Chief -	\$134,600 (2016, receives Merit and COLA annually)
UNL-PD Chief -	\$133,000

As is evident from the wages of the Lincoln Police Chief and UNL Chief (+12.09% and +10.4% respectively), as well as their upper management staff, the salary of the elected Sheriff has fallen far behind the local standard. It should be remembered the figures above are for 2017, there will

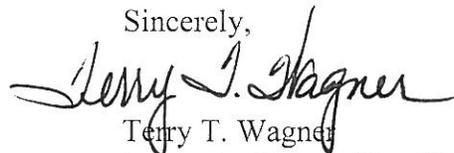
undoubtedly be increases in these salaries for 2018, (even a modest 2.5% increase per year would put the Chiefs at \$140,454 and 136,325), and the 2017 HR comparability study shows the Lancaster County Sheriff's wage should *currently* be \$131,587. As evidenced by the information above, the duties and responsibilities of the Sheriff are substantially increased from other agency heads; clearly one half of my staff performs statutorily mandated duties not performed by any other agency. In addition, the elected Sheriff is responsible directly to the citizens of this county and as such, has a greater degree of public accountability. In the past the County Board wisely deviated from the standard array of comparable counties, taking into account the local labor market including the Lincoln Police Department. The Board recognized the Lincoln Police Department and the Sheriff's Office are competing for the same potential employees and more closely aligned the pay of Deputy Sheriffs and Lincoln Police Officers. The salary for the Office of Sheriff and the local area law enforcement administrators are no different. The Sheriff's wage has fallen far behind both the local market and the comparable market used in the HR array, as I had predicted 4 years ago.

Traditionally, the Sheriff's salary has increased substantially at the beginning of the term of office which has served to maintain comparability with local area law enforcement administrators. Below are the salary figures for the beginning of the past 6 terms of office, with the preceding year and percentage of increase shown:

<u>Election Year</u>	<u>Beginning of Term</u>	<u>% of Inc. from previous Year</u>
1994 \$55,770	1995 \$60,000	7.58%
1998 \$64,477	1999 \$70,000	8.56%
2002 \$76,340	2003 \$81,000	6.10%
2006 \$90,439	2007 \$98,126	8.5%
2010 \$107,217	2011 \$107,217	0.0%
2014 \$113,779	2015 \$116,488	2.4%

I will conclude by saying that my recommendation for the **2019** salary for the Office of Sheriff should be \$134,000, (which is the 2017 comparable salary [\$131,587] plus 2%) and include an annual cost of living adjustment sufficient to prevent the disparity that currently exists. This amount is commensurate with other law enforcement administrators in this county and the increased responsibility for duties being performed.

Sincerely,



Terry T. Wagner  
Lancaster County Sheriff