

MINUTES
LANCASTER COUNTY ELECTED OFFICIALS' SALARY REVIEW COMMITTEE
COUNTY-CITY BUILDING, HUMAN RESOURCES CONFERENCE ROOM, THIRD FLOOR
WEDNESDAY, NOVEMBER 10, 2021 AT 1:30 P.M.

Advanced public notice of the meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, website and emailed to the media on November 8, 2021. Notice was also published in the Lincoln Journal Star print and digital editions on November 5, 2021.

Members Present: Judy Halstead, Gwen Thorpe, Mike Thew, Kerry Eagan, retired City and County employees; Ginna Claussen, CFO Systems LLC Human Resources Director; David Derbin, Chief Administrative Officer; Doug McDaniel, Human Resources Director; Nicole Gross, Compensation and Classification Manager; and Leslie Brestel, County Clerk's Office

The meeting was called to order at 1:31 p.m. and the location of the Nebraska Open Meeting Act was announced.

1) APPROVAL OF MINUTES FOR OCTOBER 28, 2021

MOTION: Eagan moved and Thew seconded approval of the minutes. Thorpe, Thew, Eagan, Claussen and Halstead voted yes. Motion carried 5-0.

2) LETTER TO ELECTED OFFICIALS

Halstead reviewed the letter sent to the elected officials (see agenda packet).

3) ADDITIONAL DATA

3.I CHIEF DEPUTY SALARIES

Derbin stated the information was based on previous County Board resolutions. Many of the deputy positions have a salary of 95% of the elected official's salary. Eagan noted Nebraska Rev. State Statute 23-3401 (Public defender in certain counties; election; qualifications; prohibited practices; residency) states the Chief Deputy Public Defender must be paid comparably to the Chief Deputy County Attorney for comparable work. In Lancaster County, the County Attorney and Public Defender have been paid the same salary amounts for many years. In the past there was consideration of changing that policy, however it would have resulted in the Chief Deputy Public Defender making more than the Public Defender.

Claussen said in her experience employees in more populated areas were paid higher than in less populated areas. She asked if the same is true for counties when addressing elected official salaries, such as Douglas County versus Lancaster County. Eagan answered the salaries are based on comparable work for comparable circumstances. McDaniel added Douglas County is used as a comparable county. He felt there should be the question if Douglas County is truly a competitor for elected positions.

Halstead requested Derbin and McDaniel research if there is wage compression in any of the offices.

3.II HUMAN RESOURCES ELECTED OFFICIALS SALARY STUDY

Gross reviewed the salary study (see agenda packet) and noted the calculated midpoint is used as a basis for salary comparison. The salaries do not take benefits into account. Generally, Lancaster County does not compare to Sarpy County as traditionally Douglas County has been used for comparison purposes. McDaniel added this is the process that is followed in the Commission of Industrial Relations and is the process followed in the County's classified positions. The calculated midpoint is the difference between the mean and the

median. The calculated midpoint is what is compared to the incumbent comparable counties. The Lancaster County 2022 salaries was a best guess as to what the rate could be. The Nebraska Association of County Officials (NACO) salary study includes all of the elected positions and is broken down by county size.

Halstead asked McDaniel to discuss the Assessor/Register of Deeds position. McDaniel stated the position is separated in most counties which makes it difficult to have data that has what the position should include. Eagan said the Assessor/Register of Deeds Offices are also combined in Douglas County.

Halstead said in the past elected officials have requested additional communities to be compared to Lancaster. McDaniel noted Human Resources does not know the innerworkings of other counties offices as the elected officials might.

Halstead reminded the committee that the elected officials chose to run for the position and it is not the same as a private company.

Claussen inquired why the Public Defender has fewer employees than the County Attorney. They answered the Public Defender's Office only handles indigent cases, while the County Attorney's Office has those cases plus cases involving private attorneys. The County Attorney's Office also handles all of the civil work for the County, where the Public Defender's Office does not have that responsibility. Derbin added the County Attorney's Office also has a Juvenile Division and a Child Support Division. Eagan said the County Attorney handles City of Lincoln misdemeanor cases through an interlocal agreement and there is some overlay where some City and County charges would be prosecuted together.

4) ELECTED OFFICIAL INTERVIEWS

Elected officials' salary data was distributed (see agenda packet).

4.I County Commissioners

County Commissioners Rick Vest and Deb Schorr were available for the discussion. Schorr distributed and read a handout containing thoughts on the position of County Commissioner (Exhibit 1). Vest added there are an increasing number of groups requesting Commissioners present at their meetings. The growth in constituent work is also increasing, including work with both rural and urban issues.

Thorpe inquired if the County is of a size where additional County Board Commissioners are required. Eagan answered no.

They noted over the last four years it does not seem that the level of the County Board support staff has increased. He felt it reflects well on the Board and staff that is allotted. Schorr stated the Grants Coordinator position to oversee the American Rescue Plan Act (ARPA) funds is paid for with ARPA funds.

Halstead asked if there are other comparable individuals, governmental bodies or other factors that differentiate Lancaster County from other areas that the Board would like reviewed. Schorr said the NACO salary study looked at governmental positions from Iowa, South Dakota and Kansas.

4.II County Sheriff

Terry Wagner, Lancaster County Sheriff, distributed and read his written comments (Exhibit 2). He said LB51 (Change provisions relating to qualifications, training, certification, accreditation, powers, and duties of certain law enforcement personnel) will require his office to be accredited by Nebraska for meeting the State's requirements for policies and procedures. Body-worn cameras have created a need for an additional employee to review and manage the video files. In the four months the body-worn cameras have been in use, there are currently nine terabytes of storage used.

Regarding the Lincoln Police Chief annual salary, McDaniel stated it is \$175,000.

When asked what law enforcement agencies within Nebraska are larger than the Lancaster County Sheriff's Office, Wagner answered the City of Omaha Police Department, the Nebraska State Patrol, Sarpy County Sheriff's Office, the City of Bellevue Police Department, Douglas County Sheriff's Office and the Lincoln Police Department.

Claussen inquired what a typical day in the office is like. Wagner said he reads all the deputy reports from the previous day. He facilitates a daily standup meeting with command staff, hosts a daily media briefing, attends various meetings. Other duties include completing reports and budgets and see to other employee needs. He noted the level of violence in the community has increased.

When asked about his familiarity with the departmental innerworkings of the comparable counties, Wagner stated he is not familiar with them enough, except knowing that the Linn County Sheriff's Office is responsible for a jail where Lancaster County Sheriff's Office is not responsible for the Lancaster County jail.

Thew disclosed for the record that he serves on the Sheriff's Merit Commission. He said he is very aware of both the difficulties in recruiting deputies and the gap in Wagner's experience versus that of his deputies.

Concerning the pandemic, Wagner reported calls for service were down and, while there was more exposure to the public, there was less public to be exposed to.

4.III Public Defender

Joe Nigro, Public Defender, distributed his thoughts on the Public Defender's salary (Exhibit 3). He noted social workers have been added to the staff who have made a large difference in sentencings as individuals can be connected to services instead of sentenced to jail. He has been involved with criminal justice reform at the local and state levels.

Halstead asked Nigro to speak to the duties of the Public Defender's Office and how they are comparable to Douglas County, and also if there are any comparable out of state counties. Nigro said Douglas County is similar in statutory requirements. In Nebraska within counties of certain sizes, the Public Defender is required to be a full-time equivalent and cannot have an outside practice. He felt the County's policy of the same compensation between the County Attorney and Public Defender is a good policy as it shows the value that both the prosecution and defense counsels are the same.

Claussen inquired how employees are trained to be able to defend guilty parties. Nigro answered it is the State's burden to prove the defendant is guilty. He felt in protecting the rights of the clients the attorneys are keeping the rights of everyone. He added attorneys get to know individuals on a personal level and felt only judging a person's character on one decision is not fair to the individual.

Thew asked if there were any differences in duties that would justify not using the comparable data provided by Human Resources, and also if there are comparable jurisdictions where Public Defender salaries are comparable to District Court judge salaries. Nigro said the only places that have elected Public Defenders are the States of Florida, Nebraska, Tennessee and the City of San Francisco. Those without elected Public Defenders may not be representing all of the same kinds of cases as those who are elected. He was not aware of any jurisdictions with comparable Public Defender and District Court judge salaries. Halstead requested if Nigro wanted to research this issue to relay the information to Derbin and McDaniel.

Gross noted the Public Defender's Office was matched to Assistant County Attorney in Polk County, Iowa and District Attorney in Sedgwick County, Kansas.

4.IV County Attorney

Condon discussed his comments regarding the County Attorney's salary (Exhibit 4). He thought the salary step plan has helped in attorney retention. The office is contemplating adding a criminal non-support position for the

Child Support Division. He felt the Truancy Program in the Juvenile Divisions is best way to keep youth out of the court system. All of the attorneys have increased caseloads and the Chief Deputies assist in overseeing the cases. Additionally, the County Attorney is statutorily required to act as the coroner and autopsies cost the County approximately \$500,000 per year.

Concerning the pandemic, staff was decreased in the office and alternative work situations were used. During 2021, all staff is back in the office. The courts have slowed down but will be resuming the normal trial load.

Halstead asked how Condon felt about the Public Defender and County Attorney being paid the same in Lancaster County. Condon answered the staff size and cases between the two offices are not the same. Also, the County Attorney deals with coroner duties and the Public Defender does not. The Mental Health Board calls also come into the County Attorney's Office. The Public Defender's Office has approximately 25-33% of the trial caseload that the County Attorney's Office has.

Thew inquired if the County Attorney is called to testify during the State Legislative sessions. Condon stated the County Attorney's Association does have involvement with legislative issues and are asked to testify on bills or for fiscal impact statements.

Thew asked if there are extra duties in the County Attorney's Office that others do not have since Lancaster County has several state correctional institutions plus the County jail. Condon answered his office is responsible for cases involving incidents within the various correctional facilities which can result in a large number of grand juries, as well as being involved in other investigations with state agencies.

Halstead requested any further research or comments be directed to Derbin or McDaniel.

Condon noted Sedgewick County, Kansas does not have a county attorney but instead has a county council, which does not handle civil cases. They are trying to increase their salaries as they are having difficulty retaining employees.

RETURNING TO ITEM 3

Salary Compression

Gross reported the three areas with closest compression are the County Clerk, County Sheriff's Office and County Treasurer with salary rates of \$100,000, \$136,628 and \$99,875 respectively, as compared to each Office's closest salaried employee at \$90,000, \$119,000 and \$84,000, respectively. It was the consensus of the Committee that there are currently no wage compression issues.

Thorpe inquired if it any of the county attorneys from the comparable counties are not elected. McDaniel said that information is not known from the comparable county requests. The counties will forward the information for the position that best fits the Lancaster County position.

When asked about labor contract negotiations, McDaniel replied the contracts will be above or at the CPI and felt it is important to set salaries that attract quality individuals to run for office.

5) NEXT MEETING DATE

Informational only.

6) ADJOURNMENT

MOTION: Thew moved and Eagan seconded to adjourn at 3:31 p.m. Motion passed unanimously.

Submitted by Leslie Brestel, County Clerk's Office