

MINUTES
LANCASTER COUNTY ELECTED OFFICIALS' SALARY REVIEW COMMITTEE
COUNTY-CITY BUILDING, HUMAN RESOURCES CONFERENCE ROOM, THIRD FLOOR
WEDNESDAY, DECEMBER 8, 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 December 6, 2021. Notice was also published in the Lincoln Journal Star print and digital editions on December 3, 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 1:30 p.m. and the location of the Nebraska Open Meeting Act was announced.

1) APPROVAL OF MINUTES FOR NOVEMBER 17, 2021

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

2) REVISED HUMAN RESOURCES ELECTED OFFICIALS SALARY STUDY

Gross reviewed the revised salary study (see agenda packet) noting there were three changes: 1) non-elected positions are shaded, 2) jails operated under the Sheriff's Office are denoted with an asterisk, and 3) the Sedgwick County Attorney and Public Defender salaries were switched in the original discussion on the November 10th meeting which has been corrected on this attachment.

Concerning comparables for the Clerk of the District Court, Gross said no guidance was given, and in researching various counties and positions, she was unable to find anything online with more information. Eagan asked about the salaries for County Court Administrators. Thew stated he found a 2020 salary amount of \$87,450.

Halstead said the November October Consumer Price Index (CPI) has not been released and the October CPI was 6.6%. She continued that she split the difference between the past year and a half, resulting in a 4.1% difference, and half of that is 2.05%. She estimated a November CPI of 4.55% based on the October CPI. Eagan asked if that estimated would increase the estimated 2022 salaries. Halstead answered yes.

CPI Formula

Eagan reviewed the CPI noting the past Elected Officials Salary Review Committee developed a formula including a range of percentages for salary determinations:

Annual increases effective January 1st based on the following formula. If the U.S. Department of Labor Statistics Consumer Price Index (CPI) for all Urban Consumers Midwest Region, as published for the November immediately preceding each January for 2016 through 2018 is:

- (A) Not less than 1.5% and not greater than 2.5% - then each elected official should receive a 2% salary increase;
- (B) less than 1.5% -then the salary increase should be 2%, minus 50% of the amount by which the CPI is less than 1.5%; and
- (C) more than 2.5% - then the salary increase should be 2%, plus 50% of the amount by which the CPI exceeds 2.5%.

The idea is to keep the salaries comparable throughout the four years.

Eagan proposed using the same formula and increasing the base percentage from 2% to 3%, increasing the 1.5% in (A) and (B) to 2.5% and the 2.5% in (A) and (C) to 3.5%.

Halstead asked McDaniel and Gross about the union negotiations. McDaniel answered there is an average increase of 2.5%-3.25% range. The State of Nebraska negotiations with the corrections unions has blown the consistency of the process apart. The County is still in negotiations with Corrections which will push another law enforcement union. Gross added the unrepresented class was settled in August as 2.75%. McDaniel confirmed a fair representation of the past four years was an increase range between 2.5%-3%.

Halstead felt without a partial adjustment for elected office holders, they could have twice as much as employees as far as increases. This could address a wage compression issue, but from a moral or philosophical issue if that would be fair. Once the County Board makes a resolution, the salaries are set for four years. She was comfortable using the formula from the 2017 Elected Officials Salary Review Committee rather than a straight CPI adjustment. She added there is legitimacy as keeping the CPI as a factor for consideration. Thorpe agreed with Halstead.

Eagan suggested there be a cap on the percentage increases. Upon request for staff opinion, Derbin said he felt the cap was reasonable. McDaniel added in the interest of the taxpayers a cap is a responsible decision.

Eagan proposed for 2024-2026, the language should read:

- (A) Not less than 2.5% and not greater than 3.5% - then each elected official should receive a 3% salary increase;
- (B) less than 2.5% -then the salary increase should be 3%, minus 50% of the amount by which the CPI is less than 2.5%; and
- (C) more than 3.5% - then the salary increase should be 3%, plus 50% of the amount by which the CPI exceeds 3.5%, but not to exceed a total of 5%.

Claussen asked what happens if no one runs for an elected position? Eagan stated that is always a consideration and to set a salary that will attract candidates. There are other considerations from salaries that candidates may use when making a decision to run for political office. Thew said there are already individuals announcing their candidacy. Halstead added the salaries should be competitive with elected positions in other jurisdictions.

It was the consensus of the committee to accept the formula as adjusted.

Thew inquired if there were instances of bargaining units using the elected officials' salaries as a reason in negotiations. McDaniel there was an instance with ASME Engineering. He continued unions are typically looking at the other unions and the unrepresented class.

MOTION: Eagan moved and Thew seconded to recommend the annual adjustment for 2024-2026 be based on the CPI with a base of 3% and the formula as follows:

- (A) Not less than 2.5% and not greater than 3.5% - then each elected official should receive a 3% salary increase;
- (B) less than 2.5% -then the salary increase should be 3%, minus 50% of the amount by which the CPI is less than 2.5%; and
- (C) more than 3.5% - then the salary increase should be 3%, plus 50% of the amount by which the CPI exceeds 3.5%, but not to exceed a total of 5%.

Thew, Eagan, Claussen, Thorpe and Halstead voted yes. Motion carried 5-0.

Eagan reviewed guiding principles, stating comparability is the first principle and is based on the same array as Human Resources (HR) provides for all other county employees and apply it equally to all County elected officials. The second principle is increased duties, especially as determined by State statutes that puts a greater burden on the elected official. Halstead agreed and added the increased duties would be for the position of the elected official and not the rest of the office.

Regarding increased responsibilities, Claussen asked if merit increases budgeted. Eagan not for elected officials as the salaries are set for four years. The chief deputies in these offices have salaries that are a percentage of the elected official's salary, traditionally 90-95%. The salaries are set for four years. McDaniel added for other non-elected positions, HR has an audit process.

Eagan felt other considerations should be wage compression, taxpayer and budget interest, and budget lids. He suggested any large increases be taken over four years to ease the budgetary impact.

Concerning wage compression, Thew noted he was bothered by the possible scenario of employees making more than the elected official. Derbin stated there are examples in the appointed sphere. The Mental Health Crisis Center Director is paid less than the Psychology Director as that position requires specialized skills and licenses. Also, the Chief Administrative Officer is paid more than the County Commissioners. Thorpe added positions requiring specialized skills may need a higher salary than the elected officials.

3) REVIEW OF ELECTED OFFICIAL SALARIES

3.I Clerk of the District Court

Eagan noted the comparable position was \$129,000 and he was not comfortable with that salary. Thew said he felt the requested \$110,000 was not unreasonable. He also the best comparable was Douglas County as the duties and statutes are the same, and that the Nebraska Supreme Court is imposing a substantial burden on the Clerk of the District Court with their request to assist with pro se litigants (unrepresented filers). Eagan suggested \$115,000 for 2023.

Thorpe stated a consideration in comparability is to get qualified people to run for office.

It was the consensus of the committee to set the salary for the Clerk of the District Court at \$115,000 for 2023.

3.II. County Assessor/Register of Deeds

Halstead stated she was comfortable with the salary where it is. Eagan, Thorpe and Claussen felt the salary should be higher. Eagan said the comparability for the combined office is limited to Douglas County as it is the only combined Assessor/Register of Deeds Office. Claussen felt the notes provided by Rob Ogden, County Assessor/Register of Deeds, were right on target regarding the technological skills and customer service orientation. Thorpe said the number of parcels in the County is increasing along with coinciding duties. Thew noted the Lancaster County Assessor/Register of Deeds salary is 89.6% of Douglas County's Assessor/Register of Deeds.

Eagan suggested a salary of \$145,000 over four years for budgetary impact reasons and each year the position would receive 25% of the overall increase to \$145,000 (approximately \$1,250) plus the CPI formula. Derbin felt a percentage would function better than a lump sum.

Thorpe proposed a base salary of \$140,000 for 2023.

Halstead proposed a 1% increase from the 2022 salary on the basis of comparability (which is unknown until the November CPI is known).

MOTION: Thew moved and Claussen seconded a salary for the County Assessor/Register of Deeds of \$140,000 for 2023. Classen, Thew and Halstead voted yes. Eagan and Thorpe voted no. Motion carried 3-2.

3.III. County Attorney

Thew felt low the County Attorney salary is currently low. He felt the comparables from Linn and Polk Counties were better than the others. He noted in the State of Iowa, the county attorneys have civil cases as do the Nebraska county attorneys, while the State of Kansas county attorneys do not. He added the increase would apply to the Lancaster County Public Defender as well, even though the duties between the offices are not the same. The array indicates the comparable salary should be \$180,000. Eagan agreed that the salary for the Lancaster County Attorney should apply to the Lancaster County Public Defender. Halstead noted the Lancaster County Public Defender also has a smaller staff than the Lancaster County Attorney.

Gross clarified that Human Resources uses the same array for the deputy positions in the County Attorney and Public Defender's Offices. Derbin said there are no statutory changes to the offices.

Claussen inquired about the differences between the County Attorney and City Attorney offices. Thew stated the nature of the City Attorney is primarily civil cases which is very different than the County Attorney.

MOTION: Thew moved and Claussen seconded a salary of \$180,000 for 2023 for both the County Attorney and the Public Defender. Claussen, Thorpe, Thew, Eagan and Halstead voted yes. Motion carried 5-0.

3.IV. County Clerk

Eagan proposed a salary of \$109,000 for 2023. Thorpe voiced her concern that there are no requirements associated with the position.

Claussen asked what the County Clerk's office does. Thew answered the County Clerk is the recordkeeper for the County, issues payroll and vendor payments, issues marriage licenses and assists with property tax protests.

Thorpe proposed a salary of \$106,000 for 2023.

MOTION: Thorpe moved and Claussen seconded a salary of \$106,000 in 2023 for the County Clerk. Claussen, Eagan, Thew, Thorpe and Halstead voted yes. Motion carried 5-0.

3.V. County Commissioners

Thorpe propose 50% of the County Clerk's salary. Eagan and Thew felt the Nebraska Association of County Officials (NACO) recommendation is fair. Eagan recommended spreading the increase over four years. Thew felt the responsibility of the committee is to make the salaries comparable.

MOTION: Thew moved and Eagan seconded a salary of \$58,950 for 2023 for the County Commissioners. Eagan, Thew, Thorpe, Claussen and Halstead voted yes. Motion carried 5-0.

3.VI. County Engineer

Eagan stated there are professional licenses and specialized skills required for the office. He felt there could be some compression when compared to other engineering positions within the office.

McDaniel confirmed the various other engineer positions are also based on the array provided.

Thew felt this position is closer to Douglas County's. Derbin thought the position is different from Douglas County as the City of Omaha has taken much of the Douglas County area and legal knowledge is necessary for the use of federal funds.

Claussen proposed a salary of \$145,000 for 2023 and Eagan agreed.

MOTION: Thew moved and Claussen seconded a salary of \$145,000 for 2023 for the County Engineer.

Claussen requested Derbin's thoughts on the salary. Derbin answered he felt the position is both a retention and attraction issue.

ROLL CALL: Thew, Thorpe, Claussen, Eagan and Halstead voted yes. Motion carried 5-0.

3.VII. County Sheriff

Thorpe and Halstead felt there should be a salary increase. Eagan felt there is some wage compression.

Eagan proposed a salary of \$155,000. McDaniel noted the City of Lincoln Chief of Police was hired at \$175,000. The market is exploding for law enforcement leadership

MOTION: Eagan moved and Thew seconded a salary of \$155,000 for 2023 for the County Sheriff. Thorpe, Claussen, Eagan, Thew and Halstead voted yes. Motion carried 5-0.

3.VIII. County Treasurer

Thorpe felt the salary should be at least at the County Clerk's position due to the nature of the position's duties.

Eagan felt \$110,000 would bring the Office into a more comparable position.

MOTION: Thorpe moved and Thew seconded a salary of \$112,000 for 2023 for the County Treasurer. Claussen, Thew, Thorpe, Eagan and Halstead voted yes. Motion carried 5-0.

3.IX. Public Defender

See Item 3 III.

4) NEXT MEETING DATE

The committee will hold a final meeting on December 15 at 1:30 p.m. to discuss its final recommendations.

5) ADJOURNMENT

MOTION: Claussen moved and Thorpe seconded to adjourn at 3:15 p.m. Motion passed unanimously.

Submitted by Leslie Brestel, County Clerk's Office