

2015-483
15/002466

RESOLUTION SETTING SALARY OF THE SARPY COUNTY PUBLIC DEFENDER
FOR THE TERM OF OFFICE BEGINNING IN JANUARY OF 2017

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 Public Defender shall be held as part of the 2016 General Elections, and the person elected during the 2016 General Election shall take office in January of 2017;



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

- I. The salary for the Elected Office of Sarpy County Public Defender, commencing January 1, 2017, shall be \$139,500.00.
- II. The Board further finds that the Public Defender shall receive an increase in salary for each calendar year of his/her term after the 2017 calendar year as follows:
 - A. the salary for the subject year shall be equal in amount to the salary for the immediately preceding year plus an increase equal in amount 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 one (1) percent increase and shall not exceed a three and one-half (3.5) 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 Public Defender 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 Public Defender shall be able to participate in the following benefits during the term of office:
 - A. Life Insurance and long term disability insurance at no cost to the official.

- B. Family group health insurance and family dental insurance, including health insurance that may be available upon retirement, under the same terms and conditions as is offered to County employees, excluding employees that are part of a collective bargaining agreement, as the same may be modified from time to time.
- 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 Public Defender who holds 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 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 Public Defender during his or her tenure 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. Knapik*, 201 Neb. 780, 272N.W.2d 364 (1978), "the constitutional prohibition relates to legislative change and does not prohibit changes based on independent factual standards."

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 15th day of December, 2015.


Sarpy County Board Chairman


Sarpy County  Clerk