



NACO E-News

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May 3, 2010

2010 Officers

- Pamela Lancaster, President**
Hall County Supervisor
- Steve Erdman, Vice-President**
Morrill County Commissioner
- LeRoy Janssen, Sec./ Treasurer**
Wayne County Sheriff
- Dennis Kimbrough, Past President**
Fillmore County Supervisor

Upcoming Events

- NACo WIR Conference**
Billings, MT, May 26-28, 2010
- NACO Budget Workshop**
Kearney, May 27, 2010
- Clerks, Election Commissioners & Register of Deeds Workshop**
North Platte, June 9-11, 2010
- Clerks of District Court Workshop**
Omaha, June 9-11, 2010
- Treasurers Workshop**
Nebraska City, June 15-17, 2010
- NACo Annual Conference**
Reno, NV, July 16-20, 2010

2010 NACO Blue Cross Blue Shield Group Health Rates Set

On April 22, 2010 the NACO Board of Directors met and approved the following changes to the NACO- BCBS Health insurance plan. Beginning on July 1, 2010:

- A wellness plan will be offered for County Employees including a personal health assessment.
- The Retiree insurance plan would be closed for any new retirees after 7-1-2010. The previous plan had diminished to only including 12 participants
- Increase the HSA plan deductible from \$1250 to \$1500.
- Increase the base cost of the health and dental plan by 8%

Members of the NACO Health Insurance committee and NACO Board spent many hours examining the NACO health plan offering. This year's below the industry average increase in health care rates should be viewed positively by counties across the state. NACO and BCBS are pleased to continue to offer a health care plan with the best in-state network for county employees across the State of Nebraska.

[2010 Rate Summary](#) (effective July 1, 2010)



Register for the NACO Budget Workshop—May 27th

[Agenda](#) and [registration](#) information is available on the NACO website for the 2010 NACO Budget Workshop to be held Thursday, May 27 in Kearney.

County officials can benefit from this biennial workshop that will provide an overview of the budget process. The deadline for early registration is May 14.

NDOR Long Range Transportation Plan (LRTP) Survey

The Nebraska Department of Roads is conducting a survey for its Long Range Transportation Plan for the State of Nebraska. The purpose of the survey is to gather input to identify statewide, regional and local transportation issues facing Nebraska. The survey results will guide the NDOR in developing goals and objectives for the Long Range Transportation Plan: Vision 2032.

The survey will be available on the NDOR website from April 26 to May 24, 2010. Additional information can be found by clicking the links below.

[LRTP News Release](#)

[LRTP Survey](#) (Online version)

[LRTP Survey](#) (PDF version)



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Nebraska Supreme Court Issues Opinion on County Board Budgeting Authority

On April 29 the Nebraska Supreme Court decided a case which found that the county board cannot dictate the terms of employment for a county official's employee absent proof that the official's terms are unreasonable. In *Wetovick v. County of Nance*, 279 Neb. 773, ___ N.W.2d ___ (2010), a county attorney submitted a budget with a salary request for a full-time secretary. The county board refused to approve the budget and instead voted to require the employment of two part-time secretaries who would not be eligible for benefits. The county attorney sued the county board, seeking a declaratory judgment that his salary determination for the employee was reasonable and that the board's disapproval of his decision was unreasonable. The Court concluded that the board lacked authority to disapprove of the reasonable salary request absent a finding that the request was arbitrary, capricious, or unreasonable.

The Court first addressed the issue of mootness. Although the fiscal year in which the budget dispute arose had ended, other claims were pending and both parties had an interest in the resolution of the issues. The Court concluded that the case was not moot.

The Court examined two statutes, Neb.Rev.Stat. §23-908 and §23-1111, and found that "in budget disputes between a county board and an elected officer over the officer's employment determinations, § 23-1111 controls, not § 23-908, unless a more specific statute applies to a particular officer's personnel requests."

Section 23-1111 states

"The county officers in all counties shall have the necessary clerks and assistants for such periods and at such salaries as they may determine with the approval of the county board, whose salaries shall be paid out of the general fund of the county."

Section 23-908 states

"The county board shall consider the budget document, as submitted to it by the budget-making authority, of the county, and may, in its discretion, revise, alter, increase or decrease the items contained in the budget, but not without first having a hearing with the office or department affected; Provided, however, that when it shall increase the total proposed expenditures of the budget it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures, including the operating reserve."

The Court relied upon an earlier examination of §23-1111 in *Bass v. County of Saline*, 171 Neb. 538, 106 N.W.2d 860 (1960) to conclude "unless a county board shows by a preponderance of the evidence that an elected officer's employment determination is arbitrary, capricious, or unreasonable, it lacks authority to disapprove it."

The district court's determination that the county attorney needed a full-time secretary was upheld. The Court cited *State ex rel. Garvey v. County Bd. Of Comm.*, 253 Neb. 694, 573 N.W.2d 747 (1998) for the proposition that the amount of work and the value of compensation for services are matters particularly within the knowledge of the county official.

It noted that

"Permitting county boards to disapprove any employment determination because the officer could have hired someone with less experience for a lower salary would shift the duty to hire assistants to the boards. The Legislature did not intend for county boards to micromanage an officer's employment decisions. Nor did it intend for county boards to dictate that an officer

cannot set reasonable working conditions if the employee would be eligible for benefits. Evidence that an elected officer could hire part-time assistants, or even a full-time assistant, for a somewhat lower salary or without benefits does not alone show that the officer's choice is unreasonable.

...

While we are aware of the effect that rising health care costs have on local governments, the Board is not handcuffed in budget disputes. Under *Meyer* [*Meyer v. Colin*, 204 Neb. 96, 281 N.W.2d 737 (1979)], the Board can use its general budgetary authority to reasonably reduce an officer's overall budget as long as it does not budget the office out of existence or unduly hinder the officer in performing his or her duties. But that is not what the Board did here."

The county attorney's cross appeal for back pay and benefits for the full-time secretary was denied because she was not joined as a party. Attorney fees were not awarded because the prevailing party cannot recover attorney fees in a declaratory judgment action.

The county attorney had also asked for federal reimbursement funds for child support enforcement to be segregated and used only for enhancing child support collections. The Court concluded that the record was insufficient to determine whether any funds should be set aside for the office.

The full opinion can be viewed on the Nebraska Supreme Court website by clicking [here](#).

Upcoming Webinars...



NACo Webinar Series: “Public Safety Interoperable Communications”

This series of four webinars is designed for county officials and staff responsible for leading emergency response to public threats and disasters. Follow the link to register once for the complete series. Each webinar is scheduled for Tuesday from 1 – 2:15 pm CDT.

May 18: “Model Practices Engaged by Counties and Cities for Interoperable Communications”

May 25: “Grants and Funding for Interoperable Communications”

Leadership Series: What’s Your Purpose? – How a Well Defined Mission Statement Keeps You on Track

Thursday, May 6

1-2:30 p.m. CDT

Keeping your goals and needs in line with the demands of your office can be futile without a clear statement of personal mission. Attend this webinar to affirm the skills and roles that matter most to you and learn how to draft a personal mission statement that you can use as your “true north” when other indicators fail. Keith Niemann, on loan to NACo from University of Nebraska Extension Program, will demonstrate the value of a process for creating and updating your individual mission statement.

Care & the Rural Economy: How Rural Health Works Can Benefit Your County

Tuesday, May 11

1 - 2:30 p.m. CDT

Find out about the Rural Health Works model and the significant impact of the health care sector on rural counties’ economies. Learn how your county can both strengthen the local health care system and promote community economic development. The webinar will also highlight a county that has already benefited from implementing Rural Health Works.

How Will the New Health Reform Law Affect Counties?

Friday, May 14

1 - 2:30 p.m. CDT

As essential providers of preventive care, health care safety net services, and health benefits for employees, county governments will serve important roles during the implementation process of the new health reform law. Join NACo for a free webinar on Friday, May 14, from 2-3:30 p.m. to learn about the law and implications for counties. The webinar will also provide a perspective on states’ roles in the implementation process.

For more information on these webinars and other upcoming webinars, click [here](#).

NACo Accepting Applications for the 2010 County Courthouse Awards

Applications for the 2010 NACo County Courthouse Awards program are [available](#). The County Courthouse Awards program is sponsored by Siemens and recognizes innovative governance by county elected officials from NACo Member counties. Award winners will receive an engraved plaque that they can display in their county, recognition at the 2010 NACo Annual Conference and a \$5000 college scholarship to present to a graduating high school senior. Awards will be given out in three categories: rural, suburban and urban. All NACo members are encouraged to apply. Applications must be received by May 7, 2010.

Contact: Dalen Harris or Erik Johnston at (202) 393-6226 / dharris@naco.org or ejohnston@naco.org.

Reminder: NACo Steering Committee Nominations need to be received by NACo no later than June 1, 2010. Complete details were published in the April 20, 2010 edition of E-News. Please contact Larry Dix at NACo if you have any questions.

[2010-2011 Steering Committee Nomination Form \(PDF\)](#)



If you are aware of any news that may be of interest, please let us know

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