When NACO formed the 2020 County Government Committee in 2010, the state was facing a budget shortfall that had been partially offset by an infusion of federal funds. State aid to local governments had been subjected to across-the-board cuts. Ag land values were increasing by double digits and commodity prices were nearing record highs. Counties were looking to the future for opportunities to streamline functions while continuing to provide cost-effective services to constituents.

Today, in 2017, the state again faces a budget shortfall. Direct state aid to local governments has been eliminated and replaced with property tax credits for taxpayers. Ag land values are stabilizing and commodity prices have plummeted. Counties continue to implement the recommendations and best practices proposed in the 2020 report and investigate more opportunities for efficiencies.

This update reviews the recommendations of the original 2020 committee and provides examples of how counties have implemented the recommendations. The original 2020 report was divided into two distinct parts. The first part identified examples of potential efficiencies in county functions, then outlined examples of potential efficiencies for county officials and personnel. It contained the committee’s best practice recommendations for county functions and staffing. These are set out below with updates on the current status of the recommendation.

The second section of the original report contained a discussion of existing statutory opportunities for counties to create efficiencies. This report does not include updates to Part II because the Nebraska Legislature has not revised these statutes.

In addition to the recommendations in the original report, many other changes have occurred organically using the statutory tools for cooperation outlined in the second half of the original report. I applaud the continuing efforts of counties to serve Nebraska’s taxpayers in the most economic and efficient manner.

Sincerely,

[Signature]

Larry J. Dix
NACO Executive Director
2020 County Government Committee Recommendations
Update April 2017

PART I: Recommendations on County Functions

Elections

**Original Report Best Practice Recommendation:** Counties should study all options for voting, specifically including mail and electronic elections

Results:

- NACO and county officials participated in a Special Committee on Election Technology pursuant to LR403 (2016). The report suggests several solutions to aging election equipment, including an expansion of mail-in voting in certain counties subject to the acquisition of electronic poll books and central scanners. Here is a link to the report:

- NACO worked to expand voting by mail to counties of all sizes, including addressing the issue through an interim study in 2013. In 2009 (prior to the 2020 study), the population threshold was increased from 7,000 to 10,000 and it remains there.
  
  - Legislation enacted during 2015 (LB575) allows candidates or issues to be placed on the ballot for special elections by mail. Previously special mail-in elections had been limited to issues. The mail-in process continues to be determined on a precinct by precinct basis.
  
  - LB946 (2014) allows county clerks and election commissioners to forgo sending ballots in special elections by mail to persons who have moved and failed to respond to a confirmation notice. Such individuals must receive notice of how to obtain a ballot.
  
  - Legislation enacted in 2011 (LB449) increased the maximum precinct size from 1,000 to 1,750

- NACO supported legislation for the Department of Motor Vehicles to electronically transmit records to the Secretary of State’s website to allow online voter registration and updates. (LB661 – 2014)
  
  - In addition, legislation enacted in 2011 (LB449), included a field on registration forms for email addresses to facilitate communication between election officials and voters.

- NACO and county election officials worked on a number of proposals to clean up and increase efficiency in elections processes. Some of these include:
  
  - LB550 (2011) clarified the term “incumbent” for purposes of filing deadlines to make it clear that persons holding any elective office are considered incumbents that must file for office by February 15.
LB56 (2014) provided for automatic advancement from the primary election in races where the number of candidates does not exceed the number of candidates to be nominated by a political party for that office.

LB1035 (2012) allowed county clerks and election commissioners to use computer printouts as permanent election records rather than "entering the [records] in a permanent ledger".

LB946 (2014) clarified that overtime pay for permanent election workers can be charged back to political subdivisions with issues on the ballot.

LB144 (2014) addressed tie votes in primary elections.

LB946 (2014) designated the salary on November 30 as the basis for determining filing fees for the upcoming election.

- Several proposals changed timeline for early registration, the timing requirement for candidates to obtain a bond prior to the beginning of the term of office, preparation of voter histories, and other deadlines. These include:
  - Shortening time to cast ballots for early voting in election commissioner’s office from 35 days to 30 days prior to the election (LB271 -2013)
  - Clarifying the timing requirement for candidates to obtain a bond prior to the beginning of the term of office and the use of a blanket bond (LB311 – 2013)
  - Preparation of voter histories (LB575 – 2105)

- NACO opposed efforts to require voters to present identification, add a secrecy sleeve, and allow election day registration.

- NACO provided information on non-partisan elections for county officials.
Townships

*Original Report Best Practice Recommendation:* Counties operating under a township form of government should examine existing laws when determining whether the township form is viable and appropriate.

Results:

- Several counties have considered changing from township form to a commissioner form. Voters in Phelps County in 2008 approved the change to a commissioner form of government with seven county board members. Voters in Buffalo County approved the change to a commissioner form of government with seven board members, effective January 1, 2015. Antelope County voters approved the change to a five-member commissioner form of government, effective January 1, 2017. Hall County voters chose to eliminate the township form of government and will move to a seven-commissioner form of government in 2020.

- Several bills were enacted to clarify the authority of a county board over a township that is unable to elect officers.
  - LB768 (2010) created a process for the county board to declare a township inactive if it is unable to elect officers and no one is willing to accept an appointment.
  - LB936 (2012) adjusted the timing of the termination.
  - LB65 (2015) allowed the county board to continue to levy taxes on township residents to pay for maintaining the roads in the township. Prior to LB65, this fell within the general levy of the county.
Courts

**Original Report Best Practice Recommendation:** Request an opportunity to provide input as court restructuring is studies and take an active role in providing alternatives, if necessary

**Results:**

- When the 2020 report was being finalized, the Legislature enacted LB669 (2011) based on a recommendation of the Nebraska Supreme Court’s Reengineering Committee. LB669 authorized clerks of district courts and county courts to enter into formal agreements to provide services in each other’s absence.

- A 2015 pilot project in Polk County transferred the duties of ex officio clerk of the district court to the county court clerk magistrate. The project was initiated by the ex officio clerk of the district court when a staff person assigned to district court duties planned to retire. The county board and court agreed to staffing and cost reimbursement issues for the combined position.

- More recently, the Supreme Court has been examining the potential for combining the offices of clerk of the district court and clerk magistrate. Two district court clerks served on the committee. A report summarizing the findings and making recommendations was issued on January 11, 2017. The report presents options such as shifting district court clerk duties from the ex officio county clerk to the district court in counties without elected clerks of the district court. Other options include consolidation of the district and county court clerks’ offices, a complete transfer of district court clerks to the state, local option consolidation leading to a gradual shift to the state, and pilot projects to test the options. The complete report is available here: https://supremecourt.nebraska.gov/sites/supremecourt.ne.gov/files/reports/courts/NE-court-clerks-office-study.pdf
Jails and Courts

Original Report Best Practice Recommendation: Require counties to consider cooperative and efficient practices for jails and court, including video arraignments – NACO will pursue introduction of legislation to require video arraignment technology in new or remodeled jails and courts

Results:

- LB605 (2015) made extensive revisions to Nebraska's corrections system. Many of the changes were based on recommendations from a Council of State Governments study of prison overcrowding. County officials participated in the study but had reservations about some of the recommendations that were adopted by the Legislature. The bill required regular reporting and increased planning by parole and probation officers to address post-release supervision issues. Counties were required to provide additional office space to accommodate the increased activity. LB605 also revised felony penalties so that all sentences for maximum terms of less than one year would be served in county jails, rather than state correctional facilities. In response to concerns that this provision would lead to increased county jail populations, the Legislature appropriated $500,000 through the County Justice Reinvestment Grant Program to help offset new costs.

- LB561 (2013) significantly reformed Nebraska's juvenile justice system. The legislation expanded the Nebraska Juvenile Service Delivery Project statewide and created the Office of Juvenile Assistance (OJA) under the Supreme Court. The OJA became responsible for a majority of the services that had been functions of the Health and Human Services Office of Juvenile Services with the exception of overseeing the Youth Rehabilitation and Treatment Centers in Kearney and Geneva. Juveniles in the system are now supervised by Probation and treated in their homes and communities whenever possible utilizing evidence-based practices. The Community-based Aid Program was enhanced with an additional $3 million to help counties develop community-based service options. The following year, LB464 (2014) enhanced the aid to $5 million and in LB265 (2015), ten percent of the annual General Fund appropriation to the Community-based Juvenile Services Aid program, excluding administrative budget funds, was set aside for the development of a common data set and evaluation of the effectiveness of the program. The intent of the common data set is to allow for evaluation of the use of the funds and the effectiveness of the programs or services.

- A provision in LB561 (2013) involved the creation of the Community and Family Reentry Process. While a juvenile is committed to a youth rehabilitation and treatment center, family team meetings are conducted in person or via videoconferencing at least once per month with the juvenile’s support system to discuss the juvenile’s transition back to the community.
**Partnership with State and Federal Governments**

**Original Report Best Practice Recommendation: Reduce or eliminate further unfunded mandates**

**Results:**
- During the 2014 interim, Senator Sue Crawford conducted an interim study, LR582, to examine unfunded mandates pushed onto counties by the state and federal government. County officials offered examples of unfunded mandates during a series of conference calls and at two public hearings. Senator Crawford presented the results of the study at NACO’s annual conference in 2014. During the 2015 session, NACO and counties requested the introduction of several bills to address unfunded mandates including LB88 which increased marriage license fees from $15 to $25 and the cost of a certified copy of a marriage license from $5 to $9. Proposals to increase locksmith license fees and various sheriffs’ fees were suggested but not introduced due to the political climate.

Proposals were introduced to repeal provisions requiring counties to provide office space for the Department of Health and Human Services, to require the state, rather than counties, to pay for autopsies when an incarcerated inmate dies while serving a sentence at a state correctional facility, and to eliminate certain county judge fee waivers that are reimbursed by counties. This concept was re-introduced as LB47 (2017). Here is a link to the LR582 report: [http://nebraskalegislature.gov/pdf/reports/committee/government/lr582report_2014.pdf](http://nebraskalegislature.gov/pdf/reports/committee/government/lr582report_2014.pdf)
E-Government

**Original Report Best Practice Recommendation:** Counties should develop an online presence – NACO will pursue introduction of legislation requiring all counties to develop a basic online presence

Results:
- NACO offers counties cost-effective options for creating and maintaining county websites. Some county websites are extensive, offering video on demand of board meetings and access to all manner of public records. Other websites contain basic contact information for county officials. No matter the scope, websites provide essential information to county residents.
- NACO annually encourages counties to consider identifying their websites as one of the official locations for publication of meeting notices.

Recommendations on County Officials and Personnel

**Combining Election Offices**

**Original Report Best Practice Recommendation:** Counties of 20,000 to 100,000 should evaluate combining the offices of election commissioner and clerk

Results:
- Although only 11 counties in Nebraska have combined the office of election commissioner and county clerk, several counties have combined other offices in the past five years. Some examples of these combinations include:
  - The offices of assessor and register of deeds have been combined in Douglas County and Hall County.
  - The offices of clerk, election commissioner and register of deeds have been combined in Dakota County.
  - The office of elected clerk of the district court was combined with the county clerk in Boone County.
Elected County Weed District Boards

Original Report Best Practice Recommendation: Examine the need for elected county weed district boards – NACO will pursue legislation to eliminate elected county weed district boards

Results:
- As noted in the 2020 report, at the 2010 election, numerous counties placed the issue of eliminating elected county weed boards on the ballot. Voters approved the issue in Madison, Stanton, and Boyd counties. Before the election, 18 counties had elected county weed district boards.
- Because this issue is being addressed locally, NACO did not pursue legislation to eliminate elected county weed district boards. Instead, NACO has focused on obtaining additional, continued funding for riparian noxious weed control.

Veterans Service Offices

Original Report Best Practice Recommendation: Encourage examination of the duties, responsibilities, and costs related to the veterans service office

Results:
- NACO has been involved in numerous pieces of legislation to improve benefits and services for veterans. Some of these include:
  - LB1087 (2014) which provides a homestead exemption to veterans with 100 percent service-related disabilities
  - LB146 (2015) which provides for the burial of unclaimed military remains in veterans cemeteries
  - LB93 (2013) which provides for a “Veteran” designation on drivers’ licenses to indicate service in the military.
- Some of the other legislative issues affecting veterans include extending licensing eligibility to non-resident spouses of members of the military, revising election laws to accommodate early voting for members of the military, educational benefits for children of deceased veterans, and exempting military retirees from various taxes.
Elected County Surveyors

Original Report Best Practice Recommendation: Examine statutes requiring the election of a county surveyor in counties of 150,000 or less – NACO will pursue introduction of legislation to clarify the election of county surveyors in counties of 150,000 or less

Results:
- Legislation passed in 2014 (LB946) requires all counties under 150,000 to submit the question of whether to elect a county surveyor at the general election in 2020. If the majority of votes cast are against the election of a county surveyor, the office shall be discontinued at the end of the incumbent’s term or, if the office is appointed, remain as an appointed office. In the alternative, if the surveyor is an elected position, the county board may adopt a resolution to continue electing the county surveyor and forgo putting the issue on the ballot. The bill created a process to place the issue before voters again if the county board passes a resolution supporting putting the issue on the ballot or county residents submit a petition requesting it.

Areas for Future Discussion

Because the 2020 study was limited to efficiencies during the next decade, a number of issues were not adopted as formal recommendations. However, these issues were noted as likely to become part of county strategic plans in the future:

- Develop recommendations for alternative funding sources for counties
- Examine efficiencies related to appeals to the Tax Equalization and Review Commission (TERC), including the location of hearings
- Examine additional opportunities for city/county cooperation, including combining specific functions
- Examine opportunities for cooperation between state and local law enforcement agencies
- Examine boundaries for regional entities