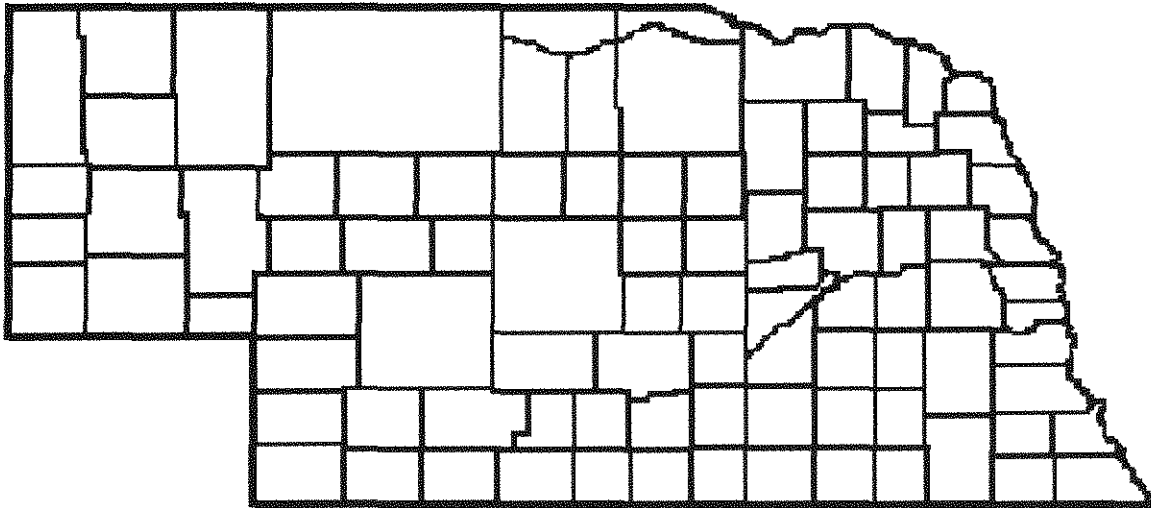




# *Guide to Nebraska County Government*



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## Introduction

Every four years, approximately 250 newly elected officials assume positions in county government in Nebraska. Additionally, a large number of individuals are appointed to fill important offices in county government in the state. These officials have responsibilities that directly affect the citizens of their counties. How well these officials carry out these responsibilities is an important factor in determining the effectiveness of county government in Nebraska.

This edition of Guide to Nebraska County Government has been prepared with a two-fold purpose. It is designed to assist the newly elected county officials in becoming better acquainted with the structure and functions of county government and it is intended as an educational text for Nebraska high school students to be used in conjunction with their participation in the American Legion and Auxiliary's Cornhusker County Government Day Program. An understanding of county government is essential if students are to become more actively involved in government not only as informed citizens, but also as future potential candidates for positions in county government.

If governments are to be responsive to the needs of the people whom they serve, individual citizens must develop a deep and abiding interest and understanding of the structure, function, problems and activities of government at all levels. It is the hope of the Nebraska American Legion and Auxiliary that this publication proves useful to all citizens of Nebraska in assisting them in becoming more familiar with the organization of the county unit as an important subdivision of the government of the state.

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For the most up to date statute information visit <http://nebraskalegislature.gov/laws/laws.php> and utilize the "Search by Keyword" option provided.

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## SECTION ONE

### BASIS OF COUNTY GOVERNMENT IN NEBRASKA

Each of the ninety-three counties in Nebraska has its own governmental organization. In many ways, this organizational structure is similar from one county to another; in other ways, it may be dissimilar depending upon the population size of the county. In any event, the services performed by counties are those designated by legislative enactment, and are designed to provide governmental services for all citizens. In the democratic system, governments have been established to carry out assigned functions, and local governments are in a unique position to relate these functions to the needs and wishes of the citizens that they serve. The democratic system is based upon the belief that individuals will take an active part in the political processes which are essential to the maintenance of the governmental system, and this involvement should be based upon knowledge and understanding. It is through participation based upon knowledge and understanding that citizens can exercise continuing influence in the control of government at all levels. "The salvation of the state lies in the watchfulness of its citizens" is a motto inscribed on the Capitol in Lincoln. It is a statement which is equally applicable to county government in the state as it is to all levels of government.

### OVERVIEW OF COUNTY GOVERNMENT

A county is a basic political subdivision of the state. In the United States today, forty-eight of the fifty states have operational county governments, including county type governmental units called boroughs in Alaska and parishes in Louisiana. Each of these political subdivisions has been organized as a major unit of local government designed to carry out specific functions. The county is the most nearly universal of all units of local government, and every point in the continental United States is situated within some county. With few exceptions, each of these counties has an established governmental organization which is designed to provide a wide variety of services and functions for citizens. Although the states of Connecticut and Rhode Island are divided into geographical regions called counties, they do not have functioning governments as defined by the Census Bureau.

The states of Hawaii and Delaware have the fewest counties with 3 and Texas has the most with 254. There are 3,033 counties and 33 city-county governments (i.e., cities that have consolidated government functions with their surrounding counties). Jacksonville/Duval, City/County are examples of this type of government structure. Counties also differ greatly in size and population. They range in area from 26 to 87,860 square miles (i.e., Arlington County, Virginia and the North Slope Borough, Alaska). County populations vary from Loving County, Texas, with its 67 residents, to Los Angeles County, California, which is home to 9,519,338 people. In 2000, counties with populations under 50,000 accounted for nearly three-fourths of all county governments.<sup>1</sup>

County government has long been an established part of the American political system, although the functions provided by counties have evolved to meet changing conditions. Traditionally, counties have carried out functions related to law enforcement, judicial administration, construction and maintenance of roads and bridges, recording of legal documents, property evaluation and assessment, tax collection, equalization, relief of the poor, and, in some instances, the administration and supervision of schools. In recent years, these services have expanded to include such activities as hospital and health protection, conservation of natural resources, weed and predator control, fire protection, civil defense, and the establishment of airports, parks, recreational facilities, and water and sewage disposal facilities. These functions have been assumed because of the increasing complexity of society and are an attempt by units of county government to respond to this complexity. These services and functions play an important part of providing for an organized system of government in the United States.

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<sup>1</sup> Source: National Association of Counties.

The services provided by county government in the United States directly affect the lives of each citizen. Although citizens are generally aware that county governments exist and are usually able to state specifically some of the activities that are carried on by this unit of local government, county government is often taken for granted by many people. Individuals are often unaware of the way that government in their county is structured, of the various duties carried out by elected officials, or the complexities involved in carrying out the many functions performed by counties. County government may be most visible in small communities since the sight of the courthouse is a reminder to every individual that it is the seat of government for the county, but it may not be quite so visible in larger towns and cities. Regardless of size, counties play an important part in creating and maintaining orderly processes of government.

## **HISTORICAL DEVELOPMENT**

County government in the United States has deep historical roots. When the framers of the Nebraska Constitution established a framework of governance for the state, a system of county organization was created as an integral part of that framework. This organization reflected characteristics of a governmental system that was developed in English colonies in America, and which were, in many respects, similar to those that had existed in England at the time of colonization. The people who settled America brought with them a whole array of traditions, customs and beliefs which naturally conditioned the nature of the institutions which they developed in the new land. Among these customs and beliefs were those related to a system of government. Since many of the early colonists were of English origin, a consideration of the influences that the English system of government had upon the pattern of government that was established in the colonies is important.

Early in its history, England was divided, for purposes of local government, into shires which were further subdivided into townships. Each of the shires had an established court termed a shire-moot composed of representatives for each of the townships, which had primary responsibilities for the administration of justice. The principal officials of the shire were the earl, who was usually the principal landowner, the shire-reeve or sheriff, and the bishop. As the system grew, the shire became known as the county, and the sheriff emerged as the chief agent of the county. The exercise of power by the sheriff made this position an unpopular one, and was gradually reduced by the development of royal courts and a newly created position, the justice of the peace. The authority of the justice of the peace increased and the justices in collective sessions levied taxes, managed the expenditures of the county funds, and maintained roads, bridges, prisons, and their public building. Other local officials, including the sheriffs, became responsible to the justices. The justices, in turn, were controlled by Parliamentary statutes which were enforced by royal judges.

At the time of the settlement of America, local government in England had evolved into a rather complex system. The real work of the county was carried on by the justices of the peace who had a variety of duties to perform. Some of these duties were performed individually, but more frequently they were carried out by the justices in regular sessions, held four times a year. These sessions were primarily courts for trials of persons accused of crimes, but there was also an administrative board charged with levying taxes and caring for county property. In addition to the justices, county officials included the sheriff, the coroner and the lord lieutenant, who was primarily responsible for the supervision of the militia. The entire system of local government was under the control of the national government, with justices and sheriffs being appointed by the central government and subject to its supervision.

The system of local government prevailing in England was the one with which the colonists were most familiar, and they adopted many features of this system to meet the needs of the new environment. Therefore, the present structure of county government in the United States is a reflection of the system established by the early colonists who, in turn, drew upon the structure of local government as it had evolved in England.

Several different forms of local government were established in the colonies because of differences in geographic and economic factors in different regions of the new land which required different ways of organizing governments. For example, in Virginia, the first units of local government were called plantations, cities, or parishes. Since the population in Virginia was widely scattered, its system was reorganized in 1634 into eight counties, with additional counties being organized as the settlement of the colony took place. As in England, the authority of the county in Virginia resided in the court of the justices of the peace, and many of the officials of the county, including the sheriff, the surveyor and the justices of the peace, were appointed by the colonial governor.

For a number of reasons, the settlers in New England tended to cluster into tight, compact communities. Thus, the basic unit of government in New England was the town. The town was organized into an area consisting of 20 to 40 square miles including a central point for fortification, as well as the rural area surrounding the town. To provide a system of government, a government was organized in each of the towns. Decisions on public matters were made principally at the town meeting, which was held at least once a year and at other times when it was necessary. At the town meeting, town officers were selected, laws were passed, and the necessary taxes were voted upon. The most important of the town officers were the selectman, who constituted the executive body of the town. The town meeting was an example of a direct democracy in which people gathered together to make decisions which directly affected them. The concept of the town meeting is still followed in New England and has been used in other parts of the country as well.

The origins of the present day supervisor or commissioner form of county government grew out of practices which were followed by some of the Middle Atlantic colonies prior to the Revolutionary war. In New York, an elective county board of town supervisors was established with a supervisor being elected from each of the towns. The county board had authority to levy and collect taxes and gradually assumed more administrative authority over the affairs of the county. In other colonies, the counties were developed administratively prior to the formation of the government of individual towns. This was similar to the commission system as was illustrated in Pennsylvania where the county governing body was composed of three commissioners, elected at large from the county, which had strong administrative authority. Features of the commission form of county government are widely used in the United States today, and this system is the most common pattern of county government in Nebraska.

The various systems of county government described above originated at a time when people lived in small villages or in rural areas along the eastern coast of the United States. As people migrated west, the system of government that they best knew and understood was brought with them. Consequently, many of the features of county government that were established in the western states were similar to those that had been organized and developed during the colonial period in American History. Early in the history of Nebraska, many of the functions assigned to county government were those that had been traditionally accepted as responsibilities of local governments. However, over the years, county governments have been assigned additional functions, and have broadened the scope of their services in carrying out these functions. Because of this, new patterns of county government organization especially suited to meet new needs and demands had to be developed. While county government has a long tradition in English and American history, that tradition is constantly being revised to meet modern conditions.

## Nebraska County History

It has been documented that 27 years after Nebraska was admitted to the Union, county officials in this state gathered for their first statewide meeting. This would be the forerunner to the annual convention of the Nebraska Association of County Officials as we know it today.

County government in Nebraska actually pre-dates our statehood. In the mid 1850s and early 1860s members of the Territorial Legislature began establishing county boundaries. The creation of these counties began along the Missouri River and in the years that followed would progress in a westwardly fashion through the Nebraska Panhandle.

The early development of county government in Nebraska provides us with many noteworthy facts and interesting stories. For example, while the boundaries of a county may have been created in the late 1850s or early 1860s, it actually may have been a number of years later before the county would be officially organized and its governmental body put in place. The laws of that time required counties to have a minimum of 200 inhabitants before an organizational election could be held. For some counties this requirement would be met almost immediately. For other counties it would take up to 45 years.

Another interesting fact is how many of today's counties were carved out of larger counties. As particular areas within a larger county would become more densely inhabited, settlers in the area would petition for the separation and organization of a new county.

Then there are the stories of how counties derived their names. Sixty-nine of our 93 counties were named in honor of prominent individuals during that era. The remaining 24 counties would receive their respective names from animals, local landmarks, rivers, local soil conditions, Indian tribes, counties located in other states, and particularly interesting, from the dreams that early settlers had for the area in which they settled.

Additionally, there are the historical accounts of the battles that erupted over the location of some county seats. These would sometimes become emotional and physical struggles as county residents understood the importance that such a designation would have on the future development of their settlements.

## LEGAL

The Constitution of the United States provides for a federal system of government with power and responsibility being shared between the national and state governments. The Constitution contains a list of powers that have been specifically given to the federal government which are called "delegated powers." Those powers that were not delegated to the federal government nor specifically prohibited to the states are called "reserve powers," which means they have been reserved to the states or to the people themselves. As stated in Article X of the United States Constitution, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people." The organization and administration of local government was not one of the delegated powers listed in the Constitution, nor was it prohibited to the states and it thus becomes a part of these powers reserved to the states or to the people under Article X of the United States Constitution. The authority to create, manage, and control units of local government in the nation is a responsibility of each of the individual states. County government, as one of those units of local government, is a part of the governmental structure of the state and has those responsibilities assigned to it by the state.



Most early state constitutions continued the form of local government existing in the state at the time the constitution was adopted. The counties were viewed as agents of state government and the state assigned specific responsibilities to the county. This idea has been legally sanctioned by a number of decisions of the courts and, as early as 1845, the United States Supreme Court held that, "The several counties are nothing more than certain portions of the territory into which the state is divided for the more convenient exercise of the powers of government." The county is a subdivision of the state, is responsible to the state, and carries out those functions which have been assigned to it by the state.

Counties in Nebraska are governmental subdivisions authorized by the Constitution of the State of Nebraska. The county exists entirely for the performance of state functions as those functions are established by laws enacted by the Legislature. Thus the Legislature has enacted a variety of statutes which create county officers and enumerate their duties. There are, however, some limiting provisions in the Nebraska Constitution which must be followed by the Legislature in enacting laws pertaining to counties. These are stated in Article IX and are as follows:

Section 1. No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them to a less area than four hundred square miles, nor shall any county be formed of a less area.

Section 2. No county shall be divided nor any part of the territory of any county be stricken therefrom, nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream.

Section 3. When a county shall be added to another, all prior indebtedness of each county shall remain a charge on the taxable property within the territory of each county as it existed prior to consolidation. When any part of a county is stricken off and attached to another county, the part stricken off shall be for its proportion of all then existing liabilities of the county from which it is attached.

Section 4. The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county office for two or more counties; *PROVIDED* that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties.

Section 5. The Legislature shall provide by general law for township organization, under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine; and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law.

Beyond these limitations on legislative authority set forth in the Constitution, the functions, powers, and duties of county government, or those of any county official, are set forth in laws enacted by the Legislature. For example, the Legislature has prescribed very specifically the boundaries of the ninety-three counties, and has the power to change those boundaries subject to the limitations as set forth in the Constitution of Nebraska.

By action of the Legislature, each county in Nebraska is regarded as a “body politic and corporate.” In its own name and acting collectively, the county may sue and be sued, plead and shall be impleaded, defend and be defended against, in any court having jurisdiction of the subject matter, either in law or equity, or other place where justice shall be administered. The powers of the county as a body corporate or politic, are exercised by a county board. In counties under township organization, functions are carried out by the Board of Supervisors and in counties not under township organization by the Board of County Commissioners. In exercising the powers of the county, the Board of Supervisors or the Board of County Commissioners may enter into compacts with the respective board or boards of another county or counties to exercise and carry out jointly any power or powers possessed by or conferred by law upon each board separately.

The Legislature has specified certain powers which all counties may have. These include but are not limited to the power:

- (1) To purchase and hold the real and personal estate necessary for the use of the county;
- (2) To purchase, lease, lease with option to buy, acquire by gift or devise, and hold for the benefit of the county real estate sold by virtue of judicial proceedings in which the county is plaintiff or is interested;
- (3) To hold all real estate conveyed by general warranty deed to trustees in which the county is the beneficiary, whether the real estate is situated in the county so interested or in some other county or counties of the state;
- (4) To sell, convey, exchange, or lease any real or personal estate owned by the county in such manner and upon such terms and conditions as may be deemed in the best interest of the county;
- (5) To enter into compacts with other counties to exercise and carry out powers possessed by or conferred by law upon each county separately; and
- (6) To make all contracts and to do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

Within the limits established in these broad powers, the Legislature has provided specific functions and duties to be carried out by county government. The description of some of these will be provided in later sections of this manual which are concerned with the responsibilities of the County Board and various elected and appointed county officials.

## **SECTION TWO**

### **ORGANIZATION OF COUNTY GOVERNMENT IN NEBRASKA**

County governments in Nebraska are organized on a plural executive basis since the principal administrative authority resides in County Boards comprised of several elected members. These boards have the principal administrative responsibility for carrying out those functions which have been assigned to them by law. In Nebraska, these boards may be one of two types depending upon the wishes of the voters in each of the counties. These two types are: (1) a board of commissioners in those counties having a commissioner form of organization; and (2) a board of supervisors in those counties having a township-supervisor form of organization. The structure and function of these two systems is described below.

## BOARD OF COMMISSIONERS

Each county under commissioner organization having not more than three hundred thousand inhabitants must be divided into three districts numbered respectively, one, two, and three, or into five districts. Beginning October 1, 1991, each county having more than three hundred thousand inhabitants shall be divided into seven districts. (At this time, Douglas County is the only county with more than 300,000 inhabitants.) Such districts must consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines are not subject to alteration more than once every ten years. To change district boundary lines at any session of the County Board, all of the commissioners must be present. Districts must be substantially equal in population as determined by the most recent federal decennial census.

County commissioners are elected for staggered four year terms on a partisan ballot. The only specific qualification for a county commissioner to be elected or appointed is that the individual must be a registered voter and resident of his or her respective district. An additional requirement for any person seeking nomination or election to the County Board of Commissioners in a county having more than three hundred thousand inhabitants is that such person must have resided within the district he or she seeks to represent for at least six months immediately prior to the date on which he or she is required to file as a candidate for such office. The six month residency requirement also applies to a person to be appointed to the County Board in such counties.

Any county nominating and electing members to its governing board at large may at a general election submit the question of nominating and electing members to its governing board by district or ward. Alternatively, any county having not more than three hundred thousand inhabitants nominating and electing members to its governing board by district or ward may at a general election submit the question of nominating and electing members to its governing board at large. If a majority of voters approves electing candidates on an at-large basis, they would do so at the next primary and general election following submission of the question. If a majority of voters approve district or ward elections, the County Board is required to establish districts substantially equal in population as determined by the most recent federal decennial census with some exception.

The county clerk has the power to call special sessions when the interests of the county demand it, upon giving five days' notice of the time and object of calling the commissioners together, by posting up notices in three public places in the county, or by publication in a newspaper. All business before the Board must be decided by a majority vote.

The Board of County Commissioners at its regular meeting in January of each year elects a chair of the Board to serve for the ensuing year, and such chairman signs all warrants on the treasurer for money to be paid out of the county treasury. County boards generally meet weekly, bi-weekly or monthly.

Members of the Board of Commissioners have the power to determine their own salary and the salaries of all elected county officers. Such salaries must be set by the Board prior to January 15 of the year in which a general election will be held for the respective offices. Beginning in January 2001, the range of salaries paid to members of boards of county commissioners in Nebraska was approximately \$3,600 to \$27,500.

The commissioner form of organization is the one most widely used in Nebraska. Currently, sixty-six counties are organized on this basis including the following: Arthur, Banner, Blaine, Boone, Box Butte, Brown, Cass, Cedar, Chase, Cherry, Cheyenne, Colfax, Dakota, Dawes, Dawson, Deuel, Douglas, Dundy, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Greeley, Hamilton, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Keith, Keya Paha, Kimball, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Morrill, Nemaha,

Nuckolls, Otoe, Pawnee, Perkins, Pierce, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Wayne, Webster, Wheeler, and York.

## **BOARD OF SUPERVISORS**

Under the supervisor-township plan of county government, the County Board is comprised of seven members. The districts are to be divided as nearly as possible with regular boundary lines and in regular and compact form and shapes, and each district is required to maintain substantial population equality in population as determined by the most recent federal decennial census. For counties that adopt the supervisor form of county government, the county attorney, county clerk, and county treasurer make the initial determination of the seven districts. From that time on, the responsibility for determining the division of the county into districts is placed in the hands of the Board of Supervisors.

No voting precinct may be divided by any district except that in counties having cities of over one thousand inhabitants and when such cities have more inhabitants than the average outlying district, the County Board must add enough contiguous territory to such city so that the inhabitants in such city and contiguous territory equal the inhabitants of two of the other districts. The county attorney, county clerk, and county treasurer are required to then divide the segregated tract into two supervisor districts with population as nearly equal as possible, and when so divided, each of the districts elect one supervisor who resides in such supervisor district and is nominated and elected by the registered voters residing in that district. If any such city has more than the requisite inhabitants for two supervisor districts, then sufficient outlying territory may be added to such city to make three supervisor districts. The supervisor in each supervisor district in such city must reside in such supervisor district and be nominated and elected by the registered voters residing in that supervisor district. The remainder of the county outside of such city districts is divided so as to create a total of seven supervisor districts, except that if any county under township organization has gone to an at-large basis for election of supervisors, the Board of Supervisors of such county may stay on the at-large voting basis.

Any city having a population over 1,000 inhabitants must have enough inhabitants to form one supervisor district, then such city shall constitute one district, or in case the number of inhabitants is less than the number in the other districts, then so much contiguous territory shall be added to such city to give it sufficient inhabitants for one supervisor district. Villages may be enumerated with general districts, counting all the inhabitants therein as being within the districts wherein such town or village is situated; PROVIDED, no village, or any part thereof, shall be included in or made a part of any supervisor district containing a city having one thousand inhabitants or more, or containing any part of such city.

As with the commissioner plan, if the County Board is elected by districts, the districts must be organized within the county into equal population. Alternatively, the members of the Board of Supervisors will be elected at-large if the county has elected to go to an at-large basis of electing supervisors. Supervisors are elected on the partisan ballot for staggered four year terms and they must be a resident of the district they represent. The Board has the authority to establish salaries for its members subject to certain restrictions established by the Nebraska Constitution and state law. Such salaries must be set by the Board prior to January 15 of the year in which a general election will be held for the respective offices. Beginning in January 2001, supervisor's salaries in the State of Nebraska ranged from approximately \$4,200 to \$18,000.

The Board of Supervisors is required to hold regular meetings in January. At its regular meeting, the board chooses one of its members as chairperson to preside at all meetings of the board during the year. Special meetings are held when requested by at least one-third of the board members. The county board meets at such times and in such manner as provided by law. Each supervisor has special charge of the expenditure of money appropriated out of the county treasury by the board for roads, bridges, and culverts

within his or her district, except in city districts when the board shall direct as to which one of the supervisors will supervise the expenditure of the money appropriated.

Every town has the corporate capacity to exercise the powers granted, or necessarily implied, and no others, including the power

- (1) to sue and be sued;
- (2) to acquire, by purchase, gift, or devise, and to hold property, both real and personal, for the use of its inhabitants, and to sell and convey the same; and
- (3) to make all such contracts as may be necessary in the exercise of the powers of the town.

In exercising the powers of the township, it may enter into compacts with another township or townships to purchase and jointly own road equipment.

A key component of the township form of government is the town meeting, held annually for electors residing in that township. This meeting must be held on the same date as that established for budget review. A special meeting will be held when the town treasurer, town clerk, and the chairperson of the board or any two of them together with at least twelve freeholders of the town, file a written request in the office of the town clerk a statement that a special meeting is necessary in the best interests of the town setting forth the object of the meeting.

The town meeting provides the opportunity for the people of the town to get together to transact official business, and is an outgrowth of a system which evolved from a similar plan originally used in the New England colonies. The town meeting enables citizens to exercise a wide variety of powers including: the raising of money by taxation subject to approval by the county board; selling, conveying, or determining use of property; taking necessary measures for exercise of corporate powers; make rules, regulations, and bylaws necessary to carry into effect the powers; and instituting, defending or disposing of any lawsuits in which the town is interested. In addition, the electors may have the power to plant and cultivate trees along highways; repair public wells; guard against prairie fires; prevent the exposure or deposit of injurious substances within the limits of the town; regulate the running at large of cattle or horses; and improve and maintain cemeteries. From the list of these powers, individuals in the town meeting may take action in a number of areas of immediate concern to them.

Under the township form, there is a town board comprised of a township clerk, a township treasurer, and a chairperson of the township board. Such members are elected on the nonpartisan ballot in counties at the statewide general election to serve four year terms. After the initial appointments, the officers of the township board are elected in counties under township government at the statewide general election in 1994 and every four years thereafter. Except for officers first appointed after the county has adopted township organization, the term of each officer is be four years or until his or her successor is elected and qualified. The three candidates receiving the highest number of votes at the general election shall be the officers of the township board, and the three officers shall determine by majority vote which officer shall serve as township clerk, township treasurer, and chairperson of the township board. Township officers must be electors within the township.

In each town, the clerk, the treasurer, and the chairperson of the board must examine the accounts of the overseers of highways for money received and disbursed by them and require all officers to account to such board for any and all such money received and disbursed by such officers in their official capacity. Additionally, the board must examine and audit all charges and claims against the town and the compensation of all town officers.

The supervisor-township plan of county organization is used in twenty-seven of Nebraska's counties. These include: Adams, Antelope, Boyd, Buffalo, Burt, Butler, Clay, Cuming, Custer, Dixon, Dodge, Fillmore, Franklin, Gage, Hall, Harlan, Holt, Kearney, Knox, Merrick, Nance, Phelps, Platte, Saunders, Thurston, Valley, and Washington. Upon petition of 250 or more legal voters, the county commissioners in a commissioner organized county would be required to submit to voters the issue of township organization.

## **FUNCTIONS OF COUNTY BOARDS**

The decision to change the government of a county from a supervisor-township plan to a commissioner plan resides with the voters of any county. As we have seen, Nebraska counties generally favor the commissioner system, although nearly one-third of the counties have retained the supervisor-township plan.

As stated before, all counties in Nebraska are organized as a plural executive form of government, with the primary administrative responsibility residing in a County Board. In the commissioner system this board is termed the Board of Commissioners, while in the supervisor-township organization it is called the Board of Supervisors. The distinction between the two is primarily one of name, since the County Boards under each system have precisely the same powers and tenure of office, and have the same general responsibility for administering the affairs of the county.

The County Board is the agency which in official matters acts for the county and on behalf of the county. It has the power to act as a "body corporate or politic" in those areas of responsibility which have been designated as functions of the county, except for those that have been specifically assigned to some other officer or person. In a very general sense, the County Board is the representative and guardian of the county. The County Board derives its functions from the Legislature, and its powers are prescribed by statutes enacted by the Legislature. It should be emphasized that the Board has power only when it acts collectively, and individual members of the Board have no power to act officially for the county except when specific powers have been delegated to individuals by the entire Board. An example of this delegation of authority would be in the case of a person serving as chairperson of the Board who may be given responsibilities to act in the name of the Board. The law gives emphasis to the Board acting as a collective body by specifying the number of commissioners or supervisors that must be present for the Board to take official action.

At both the federal and state levels, a provision is made for a division of powers between the executive, legislative, and judicial branches of government. This system is not carried out in county government, since the County Board exercises both Executive and Legislative powers. This is because unlike the federal and state government, the county serves as an agent of the state and its powers are conferred by the Legislature and may be taken away by the Legislature.

County boards have been assigned a variety of responsibilities by state statute. To illustrate the range of activities which fall under the jurisdiction of a county board, the following list of powers is prescribed by Nebraska law:

1. Take and have care of all real and personal property owned by the county;
2. Manage county funds and businesses;
3. Make all orders respecting property of the county, to keep the county buildings insured, and to sell property and purchase property;
4. Lay out, alter, or discontinue any road running through the county;
5. Examine and settle all accounts against county and accounts concerning receipts and expenditures of the county;
6. Vacate any city or village plat not a part of an incorporated city or village within the county on the petition of two-thirds of the owners;

7. Settle by compromise, or by accepting less than the face amount of any claim, judgment, or demand in favor of the county;
8. Expend money for care and maintenance of abandoned cemeteries;
9. Create a planning commission;
10. Make, adopt, amend, extend, and implement a county comprehensive development plan and adopt a zoning resolution, which shall have the force and effect of law;
11. Cooperate in the control and eradication of insects, pests, and plant disease;
12. Levy and collect taxes for the county;
13. Provide suitable courthouse, jail, and other necessary county buildings;
14. Provide fireproof safes for the county clerk and treasurer; and
15. Carry out all other duties imposed by law.

Through the listing of such powers as these, the wide range of important functions for which county boards are responsible becomes apparent. These functions also demonstrate both the executive and legislative powers of these boards. For example, the administrative or executive functions of the Board are carried out through its responsibility for taking care of the property of the county and for the supervision and management of county funds. In addition, the County Board has the power to appoint certain groups such as planning commissions, and the power to provide and supervise the buildings needed for county purposes. The Board exercises legislative functions through its power to levy taxes. The County Board also has certain discretionary authority, which provides it some latitude to take action in certain areas if it so desires. An example of this discretionary power can be seen in the statute which states that the Board, "shall have the power to cooperate with the Nebraska Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources, or the United States Department of Agriculture in the control or eradication of insects, pests or plant diseases...." The law also gives some latitude for decision making in some counties and not in others. For example, a county board may designate a person to serve as a county purchasing agent, but all counties with more than 150,000 population are required to employ a purchasing agent.

The County Board may also organize itself into other boards with special responsibilities. For example, it serves as the County Board of Equalization. The power of the County Board is far-reaching and includes many activities which affect the lives of each of the residents of the county. In addition to the County Board, the law also provides for a number of elected and appointed officials in each county who also have important duties which are concerned with the business of the county. A description of these officials and their responsibilities is included in the following section.

## **SECTION THREE**

### **COUNTY OFFICIALS**

Each of the counties in Nebraska has elected county officials who are responsible for carrying out specifically assigned duties. County officers found in all counties in Nebraska are the clerk, treasurer, sheriff, and attorney. Although each county has a person who serves in each of these capacities, the law does provide that two or more counties may combine these offices, and that one person may serve in the same office for more than one county.

All elected county officials serve for four-year terms. A candidate for county office pays a filing fee of one percent of the annual salary paid to the office for which he or she has filed. Elected county officers take office on the first Thursday in January. In addition to establishing provisions for the election of county officials, state law also states that these officials may be removed from office for habitual or willful neglect of duty, gross partiality, oppression, extortion, willful maladministration in office, habitual drunkenness or

having been convicted of a felony. Elected county officers may also be removed from office through a recall procedure.

In addition to those officials who are elected, certain county officials are appointed. A veterans service officer serves in each county and is appointed by the County Board. Counties having more than 50,000 population have an election commissioner who is appointed by the Governor. In those counties with a population range of 20,000 to 50,000 the post of election commissioner may be established and the persons filling this post are appointed by the County Board.

## **CLASSIFICATION OF COUNTIES**

The Legislature has the power to determine the officials which each county shall have and to establish the duties for each of these officials. In addition, the Legislature also has set the minimum salaries which are to be paid to county officials. The minimums are determined on the basis of the population of counties, and the Legislature has classified counties in the following ways:

- Class I - Counties having less than 3,000 population
- Class II - Counties having 3,000 to less than 8,999 population
- Class III - Counties having 9,000 to 13,999 population
- Class IV - Counties having 14,000 to 19,999 population
- Class V - Counties having 20,000 to 59,999 population
- Class VI - Counties having 60,000 to 199,999 population
- Class VII - Counties having population of more than 200,000

The County Board has the authority to establish salaries of county officials, but the Board must pay at least the minimum as set by the Legislature. Salaries of members of the County Board are determined by the Board in each county. Any change in salary for elected officials must be made by January 15 of the year in which a general election will be held for the respective elected offices. The statutory minimum salaries have not been changed since the early 1970s; however, such statutes are to be interpreted for the purpose of providing adequate compensation.

## **ELECTED COUNTY OFFICIALS**

**County Assessor.** Unless a county has transferred the assessment function to the State, the office of county assessor is found in all counties in Nebraska which have a population in excess of 3,500 or more than 1,200 tax returns in any tax year. Those counties having a smaller population may establish this office through a vote of the people. If the county has no assessor, the duties normally carried out by this officer are performed by the county clerk.

The county assessor has the primary responsibility of assessing all real estate and personal property in the county as of January 1. Assessment of motor vehicles and railroad property is made at the state level. The assessor administers the Homestead Law and other exemptions in the county, has the authority to examine and check all returns of personal and real property to determine if the proper value has been placed on this property, and has the power to change the reported valuation of the property of any taxpayer.

In Nebraska, income for the support of government comes primarily from taxes on income, sales, property, gasoline, and motor vehicles. The tax on property is where the assessor plays an important role, since it is his or her duty to determine the market value of all property in his or her county.



The assessor is responsible for certifying all assessed valuation in the county so that all government subdivisions have a basis upon which to determine their tax rates. The person holding this office is also responsible for carrying out rules and regulations established by the Department of Property Assessment and Taxation.

A person running for the office of assessor need not be a resident of the county when filing for office, but must be a resident of the county when his or her term of office commences. He or she must also hold a county assessor's certificate, which is given to any person who successfully completes an examination administered by the Property Tax Administrator.

The county assessor may, with the consent of the County Board, appoint a deputy or other assistants that the assessor thinks may be necessary. The salary for these assistants is determined by the County Board, but the deputy's salary must be at least sixty-five percent of the salary paid to the assessor.

**County Attorney.** The office of county attorney is one which is found in all counties in the State. With some exception, the county attorney is elected from a partisan ballot for four years. Individuals must be admitted to the practice of law for at least two years before taking office prior to seeking nomination or appointment for the office of county attorney in counties with populations with 20,000 or more. However, there is a waiver provision if no person who meets the requirements of this section has filed for or sought such office by the filing deadline for nomination or by the deadline for applications for appointment.

It is the duty of the county attorney to prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal, arising under the laws of the state in which the state or the county is a party or interested. The county attorney may be directed by the Attorney General to represent the state in any action or matter in which the state is interested or a party. The county attorney is responsible for giving advice to the County Board and other civil officers of their respective counties, when requested to do so, on issues in which the state or county may have an interest, so long as the County Board may employ such additional counsel in civil matters as it may deem necessary. In addition, he or she has the responsibility for instituting proceedings against any county officer who is suspected of violating the law in performance of his or her duties. In summary, the county attorney is the lawyer and the chief prosecutor of the county.

The county attorney is also responsible for carrying out all duties normally assigned to the coroner. However, he or she may delegate some of this responsibility to the sheriff, deputy sheriff or any other peace officer.

In counties of less than 100,000 population, the county attorney may engage in the private practice of law unless the county board adopts a resolution 60 days prior to the filing deadline that requires the county attorney to devote his or her full time to the legal work of the county and prohibits the private practice of law. Private practice for county attorneys is prohibited in those counties with a total population greater than 100,000.

The county attorney may, with the approval and consent of the County Board, appoint one or more deputies and under the direction of the district court procure assistance in any investigation of appearance or the trial of any person charged with a felony. In counties having a population range of 30,000 to 200,000 a position of deputy county attorney may be created. In counties with population of more than 200,000, the county attorney may appoint a chief deputy county attorney and one or more deputy county attorneys. These assistants serve at the pleasure of the county attorney, although their salary is set by the County Board. In counties whose population is more than 200,000, the county attorney may appoint a chief deputy county attorney and one or more deputy county attorneys. The county attorney may also hire additional detectives to assist in the investigation of crimes.

Each quarter, the county attorney must report to the County Board showing final disposition of all criminal cases for the preceding quarter, criminal cases that are pending, and criminal cases that have been appealed. Counties with less than 200,000 population may waive this requirement.

**County Clerk.** In many respects, the county clerk is the chief administrative officer of the county. This is because the duties of the person holding this office are so numerous and important in the conduct of the county's business. The clerk must keep an office at the county seat, and has the responsibility of attending all sessions of the County Board. The duties of this office also include keeping a record of the proceeding of the Board by the Clerk or his or her designee, making a record of all the Board's decisions concerning the raising of money, countersigning all warrants for payment issued by the Board, preserving and filing all actions taken by the County Board and preparing and filing with the Board the annual inventory statement of county personal property in his or her custody.

The county clerk is responsible for keeping the Road Record which is a record of proceedings in regard to establishing, changing, or discontinuing any road in the county. The clerk's office is required to keep a record of all discharges or records of separation from the armed forces of any person in the county.

In counties having a population in excess of 300,000 the county clerk is also designated as the ex-officio comptroller of the county. In this capacity the clerk acts as the general accountant and fiscal agent for the county with authority to keep a record of all funds expended, audit all claims, and make periodic reports to the County Board. The county clerk-comptroller must be a competent bookkeeper or accountant.

The county clerk is required to report the names of all county officials, with their official signatures and seals, to the Secretary of State before February 1, of each year. In addition, all changes in persons holding county office must also be reported to the Secretary of State.

The importance of the office of the county clerk may be demonstrated by the fact that the Clerk is authorized to perform the function of other county officials where the size of the county does not warrant the establishment of such offices. The clerk performs the duties of the assessor or the register of deeds in those counties where these offices do not exist. The clerk may appoint assistants to enable him or her to carry out specialized functions such as that of assessment. In other counties, the county clerk carries out the functions of election commissioner. The duties of the clerk of the district court are also performed by the county clerk in some counties. In all counties the clerk may appoint a deputy to assist in carrying out the responsibilities of the office.

The county clerk is elected from a partisan ballot to serve for four year terms. No special qualifications are established for a person to serve as county clerk unless he or she serves as the ex officio county assessor. If the county clerk will be performing the assessment function for the county, he or she must hold a county assessor certificate prior to running for office. The person holding this office must reside in the county in which he or she holds office.

**Clerk of the District Court.** A description of the work of this office is provided in the section entitled, "The Judicial System."

**Engineer.** See description included within the discussion about the county surveyor in this section.

**Public Defender.** The position of public defender is required in counties having a population greater than 100,000 and may be established in other counties upon approval of the County Board. Elected public defenders in such counties must reside in the county for which he or she holds office. In a county having a population of less than 35,000 which does not have an elected public defender, the county board of such county may appoint a qualified attorney to serve as public defender for such county. The contracting

attorney must have been a practicing attorney for at least two years prior to entering into the contract with the county board, and must be a member in good standing of the Nebraska State Bar Association at the time the contract is executed, and have past training or experience in criminal law.

The primary duties of the public defender are to act as a defense attorney for all indigent individuals accused of misdemeanors or felonies where the person is threatened with jail or imprisonment. The public defender also represents all indigent persons, against whom information about mental illness has been presented to a mental health board. The statutory definition of indigence is the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. In short, the role of the public defender is to act as an attorney for those individuals accused of crimes who are financially unable to pay for their own defense.

The person holding the office of public defender must be admitted to the practice of law in Nebraska. In counties of over 170,000 population, the person serving as public defender must devote full time to the office and cannot engage in the private practice of law while holding office. The public defender is given authority to appoint assistants to aid him or her in carrying out the duties of the office subject to the approval and consent of the county board.

In 1995, the County Revenue Assistance Act was enacted to assist counties in providing property tax relief for costs associated in providing for indigent defense services. It was envisioned that with the passage of this act and the creation of the Commission on Public Advocacy such relief could be obtained and at the same time the Commission would be able to provide legal services and resources to counties to assist them in fulfilling their obligation to provide effective assistance of counsel for indigent persons.

**Register of Deeds.** This office is one which is specifically provided in those counties having a certain population size. The register of deeds is a separate office in those counties having more than 20,000 people. In other counties, the duties of this office are carried out by the county clerk serving as the ex officio register of deeds. When authorized by the County Board, the register of deeds may appoint one or more deputies; however, the register of deeds may not appoint the county treasurer, sheriff, clerk, or surveyor to serve as deputy.

The major duties of the register of deeds are concerned with record keeping, with the largest number of these records being concerned with real estate. The register of deeds has the custody of and must safely keep and preserve all books, records, maps, and papers kept or deposited in his or her office. He or she shall be responsible for recording all deeds, mortgages, instruments, and writings presented to him or her for recording and left with him or her for that purpose. He or she indexes all instruments in the numerical index to property, and also in the grantor-grantee index as set forth in state statutes. The register of deeds is also the custodian of books, records, maps and papers which have been entrusted to his or her care. He or she must keep a copy of all instruments filed in his or her office, whether by paper copy or microfilm. The register of deeds is authorized by statute to charge fees and collect the state documentary tax.

The register of deeds is elected from a partisan ballot to serve for four year terms. No specific qualifications are necessary for holding this office other than the person must reside in the county in which he or she holds office.

**Sheriff.** The county sheriff has several functions to perform. The one function most closely identified with the sheriff is that of a law enforcement officer whose responsibility is to keep the peace, prevent crime, and protect the property of citizens in the county. To assist in the performance of these duties, the sheriff has the authority to hire deputies, to call any other citizen to his or her aid, and to summon the power of the county.

When on duty, county sheriffs and their deputies are dressed in a distinctive uniform and display a badge of office. The sheriff is assigned duties as the chief investigative office of the county. In discharging these duties, the sheriff is charged with ferreting out crime, apprehending and arresting all criminals, and securing evidence of all crimes committed in the county. When directed by the county attorney, the sheriff must make special investigations of any alleged infractions of the law.

Serving as chief corrections officer of the county in counties where no county board of corrections exists, the sheriff has the responsibility for the care and custody of all persons in the county who have been ordered detained by a court. He or she operates the jail and is the custodian of all those who have been sentenced by the court to a jail term. The sheriff is allotted a specific amount of money for prisoners for their maintenance while in jail.

The sheriff has important responsibilities as an officer of the courts in the county. It is required that the sheriff attend sessions of the district court, attend the sessions of the county court when required by the judge, be responsible for serving the writs and orders of the court, directing the sale of property under foreclosure to satisfy the judgments of the courts, serving subpoenas demanding appearances in court, and collecting delinquent taxes on property. When unable to collect delinquent taxes, the sheriff must attach property and sell it to satisfy the tax warrant.

The sheriff also may serve as acting coroner and investigate all deaths where there is no coroner and in the case of the coroner's absence or inability to act.

The sheriff is elected from a partisan ballot to serve for four year terms. There are no special qualifications for the person serving as sheriff other than he or she must reside in the county in which he or she holds office. If the sheriff has had no training in law enforcement, the statutes require that the person holding this office attend the Nebraska Law Enforcement Training Academy at Grand Island within eight months of taking office. If for some reason there is no sheriff in a county or the sheriff is a party to the case, duties of sheriff are to be performed by the county clerk.

**Surveyor and Engineer.** The county surveyor has the responsibility of making all official surveys of the county, and of keeping a record of all land boundaries, plotted subdivisions, and public lands within the county.

The county surveyor or his or her deputy, in the performance of his or her official duties, has the power to summon and compel the attendance of witnesses before him or her, to testify respecting the location and identification of any line or corner. Each county surveyor must have suitable memorandum field books for his or her use in the field. He or she is required to enter in such field books, as the work progresses, all the details necessary to make up a complete record of each survey. The field books are to be properly indexed and kept on file as a part of the records of his or her office.

In those counties over 50,000 but less than 150,000 population, the county surveyor must be a professional engineer or a registered land surveyor. If the person holding this office is an engineer, the deputy must be a registered land surveyor. If the primary qualifications of the person in this office is that of a surveyor, the deputy must be an engineer. A person serving as surveyor must be certified by the State Board of Examiners for Land Surveyors.

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**23-1701.01. Candidate for sheriff; requirements; sheriff; attend Sheriff's Certification Course; exception; continuing education; violation; penalty.**

(1) Any candidate for the office of sheriff who does not have a law enforcement officer certificate or diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice shall submit with the candidate filing form required by section 32-607 a standardized letter issued by the director of the Nebraska Law Enforcement Training Center certifying that the candidate has:

(a) Within one calendar year prior to the deadline for filing the candidate filing form, passed a background investigation performed by the Nebraska Law Enforcement Training Center based on a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. The candidate who has not passed a background investigation shall apply for the background investigation at least thirty days prior to the filing deadline for the candidate filing form; and

(b) Received a minimum combined score on the reading comprehension and English language portions of an adult basic education examination designated by the Nebraska Law Enforcement Training Center.

(2) Each sheriff shall attend the Nebraska Law Enforcement Training Center and receive a certificate attesting to satisfactory completion of the Sheriff's Certification Course within eight months of taking office unless such sheriff has already been awarded a certificate by the Nebraska Commission on Law Enforcement and Criminal Justice attesting to satisfactory completion of such course or unless such sheriff can demonstrate to the Nebraska Police Standards Advisory Council that his or her previous training and education is such that he or she will professionally discharge the duties of the office. Any sheriff in office prior to July 19, 1980, shall not be required to obtain a certificate attesting to satisfactory completion of the Sheriff's Certification Course but shall otherwise be subject to this section. Each sheriff shall attend twenty hours of continuing education in criminal justice and law enforcement courses approved by the council each year following the first year of such sheriff's term of office. Such continuing education shall be offered through seminars, advanced education which may include college or university classes, or conferences and shall be of a type which has application to and seeks to maintain and improve the skills of the sheriffs in carrying out the responsibilities of their office.

(3) Unless a sheriff is able to show good cause for not complying with subsection (2) of this section or obtains a waiver of the training requirements from the council, any sheriff who violates subsection (2) of this section shall be punished by a fine equal to such sheriff's monthly salary. Each month in which such violation occurs shall constitute a separate offense.

## Source

Laws 1980, LB 628, § 1;  
Laws 1994, LB 971, § 2;  
Laws 2004, LB 75, § 1.

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A county engineer is elected on a partisan ballot in each county with a population of 150,000 or more. Such an individual must be a professional engineer. Some of the responsibilities of the county engineer or ex officio county engineer include:

- (a) Preparing all plans, specifications, and detail drawings for the use of the county in advertising and letting all contracts for the building and repair of bridges, culverts, and all public improvements upon the roads;
- (b) Making estimates of the cost of all such contemplated public improvements;
- (c) Superintending the construction of all such public improvements;
- (d) Making estimates of the cost of all labor and material which are necessary for the construction of all bridges and improvements upon public highways; and
- (e) Having charge and general supervision of work or improvements authorized by the county board, inspecting all materials, directing the work, and making a report of each piece of work to the county board.

When there is a qualified surveyor within a county who will accept the office of county surveyor if elected on a partisan ballot, a county surveyor on either a full-time or part-time basis, as determined by the county board, will be elected in each county having a population of less than one hundred fifty thousand for a term of four years. The term of the county surveyor is four years or until his or her successor is elected and qualified. In counties with a population of 50,000 to 150,000, the county surveyor serves as an ex officio county engineer and must be either a professional engineer or a registered land surveyor or both. In such counties, the office of surveyor is full time. In counties having a population of 150,000 inhabitants or more, a county engineer must be a professional engineer.

When there is no qualified surveyor within a county who will accept the office of county surveyor, the county board of such county may employ a competent surveyor either on a full-time or part-time basis from any other county of the State. In making such employment, the county board must negotiate a contract with the surveyor. A surveyor employed under this subsection serves the same term as that of an elected surveyor and is not required to reside in the county of employment.

**Treasurer.** The office of the treasurer has the responsibility to collect all taxes on real and personal property and to distribute these tax monies for the county and governmental subdivisions within the county. The treasurer redeems the warrants owed by the county which are issued by the County Board. He or she may, with the consent of the County Board, invest the funds of the county in securities or in banks which have been designated as a depository of funds.

The treasurer is also responsible for collecting taxes on automobiles, trucks, and other motor vehicles, and issuing licenses for the operation of these vehicles.

At least twice a year, the treasurer must publish a statement of affairs of his or her office showing the receipts and disbursements of his or her office for the last preceding six months. These reports are due on June 30 and December 31.

The treasurer is elected from a partisan ballot to serve for four year terms. No specific qualifications are necessary for holding this office other than the person must reside in the county in which he or she holds office.

## APPOINTED COUNTY OFFICIALS

As has been described above, each of the elected county officials may appoint a deputy or other assistants who will aid the official in carrying out his or her duties. A large number of people who work for the county are, therefore, individuals who have been appointed to their positions. They are accountable to those officials who appointed them, and these officials are, in turn, accountable to the citizens who elect them. Other appointive officers, however, fall into a somewhat different category. Examples of these types of county officers are described in the following paragraphs.

**Election Commissioner.** The post of election commissioner has been created for those counties with a population of 100,000 or more. In these counties the election commissioner is appointed by the Governor and may be removed by him or her. The election commissioner in such counties must be a registered voter, a resident of such county for at least five years, and of good moral character and integrity and capacity. The election commissioner cannot hold any other elective office and is ineligible to any elective office or to become a candidate for an elective office during his or her term of office or within three months after his or her term has expired, whether or not he or she served the full term. The election commissioner must appoint a chief deputy election commissioner who is a member of a different political party than the election commissioner and a registered voter in the county and of the party he or she is to represent.

Counties having a population of 20,000 to 100,000 may have an election commissioner, and, if such a post is created, upon a resolution by the County Board. The appointment is made by the County Board. The appointment of a chief deputy election commissioner is at the option of the Board and if one is appointed, he or she must be a member of a different political party than the election commissioner. The election commissioner and chief deputy election commissioner must be registered voters, residents of such county for at least five years, and of good moral character and integrity and capacity. The election commissioner and chief deputy election commissioner serve for four year terms. The county board may by resolution eliminate the office of election commissioner at the end of a term or upon a vacancy in the office. The county board cannot appoint any county official who is serving an elected term to the office of election commissioner or chief deputy election commissioner.

In counties without an election commissioner, the powers and duties are preformed by the county clerk. In such counties, the county board may establish the position of deputy county clerk for elections. Such deputy is appointed by the county clerk and cannot be a member of the same political party as the county clerk.

Election commissioners and county clerks serving as election commission are responsible for carrying out the powers and duties assigned in the Election Act, including such things as registering voters, preparing ballots, making official vote canvasses and issuing certificates of election to successful candidates in elections. The commissioner and county clerk also appoint officials who supervise the elections at various precincts in the county.

**Emergency Management Director.** Pursuant to the Emergency Management Act, elected officers of local governments are responsible for ensuring that emergency management services are provided to their citizens and for coordinating emergency operations in their respective jurisdictions. The purpose of the Emergency Management Act is to reduce the vulnerability of people and communities of the state to damage, injury and loss of life and property resulting from natural, technological, or manmade disasters or emergencies, civil disturbances, or hostile military or paramilitary action and to provide an emergency management system embodying all aspects of preparedness, response, recovery, and mitigation.

Each local government is within the jurisdiction of and served by the Nebraska Emergency Management Agency and required to participate in a city, village, county, or interjurisdictional emergency management organization. Each county or interjurisdictional emergency management organization must cooperate with and perform emergency management functions for the local governments located within the organization's boundaries but shall not be responsible for emergency management services within a city or village having its own emergency management organization; however, any county or interjurisdictional emergency management organization may assist in emergency management functions for that city or village if approved by the city or village emergency management organization.

Each county may maintain a county emergency management organization which serves as the primary organization for emergency management for that county. Any emergency management organization may assist in emergency management functions for that county if approved by the county emergency management organization. Each emergency management organization formed must have either a full-time director or a full-time deputy director and such additional personnel as may be needed, appointed in accordance with the agreement establishing the organization. The emergency management director has direct responsibility for the organization, administration, and operation of such emergency management organization subject to the direction and control of the principal executive officer for the local government or in accordance with such agreement. A person may serve as a director for more than one emergency management organization serving an area. Emergency management directors or coordinators or their assistants or deputies, who are required by the Emergency Management Act or rules and regulations of the Governor to devote full time to their duties, must be qualified and certified in accordance with criteria established for the state by the Nebraska Emergency Management Agency. Such directors or coordinators must be paid for their services in an amount comparable to other officers of local governments.

Each emergency management organization is required to prepare, keep current and distribute to all appropriate officials in written form a clear and complete statement of the disaster and emergency management responsibilities of all local entities and officials and of the emergency response chain of command. The emergency management director of each organization must, in collaboration with other public and private entities within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster, emergency, or civil defense emergency too great to be dealt with unassisted.

**Health Director.** Any county or group of counties may establish a county or district health department to carry on activities related to health care. No county, however, with less than 30,000 population may levy a tax to pay for the expenses of a health department unless the county board has put the proposition of having such a tax to the electors of the county and imposition of the tax has been approved by a majority of electors voting on the proposition. A county may also establish a joint health department with any city. A health department provides services designed to prevent and control disease, safeguard sanitation, and improve the health of all citizens of the county or district. These services could include pre and post natal case, rehabilitative programs for invalids, community-wide immunization programs, and home care nursing.

When a health department has been created, a board of health is established to provide general supervision over the health department. One of the functions of the health board is to appoint a director who shall be a person who is well-trained in public health work though he or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she must be assisted at least part time by at least one medical consultant who is a licensed physician, qualified in accordance with the state personnel system, and approved by the Department of Health and Human Services Regulation and Licensure. The health director of any county, district, or city-county health department serves as executive officer of the local boards of health; appoints, subject to any applicable county or city civil service laws, rules, or regulations, a properly functioning staff and other personnel as may be necessary; reviews annually, with the local board of health, the proposed budget of the department; organizes, with the approval of the local board



of health, a citizens' advisory health council that will aid in developing a public health program to meet the particular needs, hazards, and problems of the health district; and organizes, with the approval of the local board of health, a medical and dental advisory committee.

**Highway Superintendent.** The highway superintendent is a person appointed by the County Board to have general control and supervision over county roads under the direction of the Board. Each year the person holding this position is required to submit to the County Board a proposed one and six-year program which contains a schedule of construction, repair, and maintenance of county roads and bridges. This plan also must include a list of equipment and material needed by the county to implement the annual program. These plans must be filed with the Board of Public Roads Classifications and Standards, a state board appointed by the Governor. The highway superintendent must file with the county clerk each year a map of the county roads indicating the improvements undertaken on these roads. In addition, a report must also be filed with the County Board showing a record of road projects that have been completed, projects currently under construction, and equipment and material purchases for those projects.

A person may be appointed as highway superintendent who is either a duly registered engineer or a person having experience as a competent, experienced, practical road builder, except no member of the county board is eligible for appointment. In counties having a population of 50,000 but less than 150,000 inhabitants according to the most recent official United States census, the county surveyor shall perform all the duties and possess all the powers and functions of the county highway superintendent. In counties having a population of 150,000 or more inhabitants, the county engineer shall serve as county highway superintendent. In commissioner-type counties not having a county highway superintendent, the county board, or some other qualified person designated by the county board, shall assume and perform the powers and duties of the county highway superintendent.

The county board, in a county having a population of less than 18,000 and less than five commissioners, must appoint and fix the salary of a county highway superintendent whenever a petition for such appointment is signed by ten percent of the legal voters in the county voting for Governor at the last general election and is filed with the county clerk. If a petition protesting such appointment is signed by ten percent of the legal voters in the county and is filed with the county clerk within ninety days from the filing date of the petition for appointment, the county board shall submit the question to the electors. When a county highway superintendent has been appointed following an election, such position may be abolished at any general election after two years from the date of such election in the same manner as the appointment was approved.

The State Department of Roads provides an incentive payment to those counties having a highway superintendent whose qualifications meet the standards established by the Department of Roads

**Veterans Service Officer.** Another appointive county officer is that of veterans service officer. The law states that each county board must appoint a county service committee, that, in turn, appoints one person to serve as the county veterans service officer. The secretary-treasurer of the committee may be the county veterans service officer. The county veterans service officer shall not be a member of the committee. Members serving on the county veterans service committee must be individuals from a list of eligible veterans recommended by the recognized veterans organizations within the county.

The county boards of the counties involved, after meeting with the affected veterans service committees, are authorized to join two or more counties in the appointment of a county veterans service officer for a given area with the expenses to be shared by the counties involved. The county board and the county veterans service committee shall be authorized to appoint or place any veterans service officer on a part-time basis if such officer's service shall not require forty hours per week.

The veterans service office provides assistance in federal Veterans Administration claims and County Veterans Aid, and to the State Department of Veterans Affairs in carrying out programs to benefit veterans. The veterans service officer is authorized to accept grants of money from public or private sources in supporting veterans benefits.

A person serving as a county veterans service officer must have been discharged under honorable conditions from the armed forces, served during time of war, and have been a resident of Nebraska for a period of five years prior to the appointment.

**Weed Control Superintendent.** In each county, the authority for carrying out a program of weed control and eradication resides in the County Board or a separately established County Weed District Board. Under either plan, the control authority is required to appoint a weed control superintendent. This superintendent must be certified by federal Environmental Protection Agency as a commercial applicator. The superintendent may serve more than one county.

The functions of the weed control superintendent are to examine all land under his or her jurisdiction to determine if provisions for weed eradication have been carried out, to compile data on infested areas and areas which have been eradicated, to consult and advise on the most appropriate methods for weed control and eradication, and to provide assistance and direction for the most effective procedures for weed control and eradication. The weed control superintendent has the responsibility for supervising and carrying out a coordinated control and eradication program in the county.

**Zoning Administrator.** The county board is authorized to establish and appoint a county zoning administrator, who may also serve as a building inspector. The zoning administrator serves as the central figure in the administration of county zoning. The zoning and subdivision cases are coordinated through the office of the zoning administrator. Duties of the zoning administrator include but are not limited to: issuing permits and certificates of occupancy, receiving applications for variance, receiving applications for conditional use permits and subdivision plats, receive requests for rezoning, and prepare proposals for amending zoning and subdivision regulations.

## SECTION FOUR

### THE JUDICIAL SYSTEM

Art. V, § 1 of the Nebraska Constitution provides for the establishment of a Supreme Court, an appellate court, district courts, county courts, in and for each county or with one judge for two or more counties as the Legislature provides, and such other courts as may be provided by law. The system of courts inferior to the Supreme Court that was established to comply with the mandates of the Constitution was reorganized by the 1972 Legislature. Although this reorganization affected many aspects of the court structure in Nebraska, the focus of this section will be upon that part of the structure which most directly affects the functioning of county government. It should be noted that the Supreme Court, as the highest tribunal in the state, has general administrative authority over all courts in the state, and this authority is to be exercised by the Chief Justice. All courts which are described in this section are under the general supervision of the Supreme Court of Nebraska.

### DISTRICT COURTS

The district courts are an important part of the judicial system of the state. These courts have both original and appellate jurisdiction. Original jurisdiction means that it is the first court to hear a case, and,

acting as a court of original jurisdiction, handles criminal cases, both felonies and misdemeanors and civil cases, regardless of amount. Appellate jurisdiction means the authority to act as a court of appeals from other courts in the district. In this capacity, the district courts hear appeals which may be brought from municipal courts, county courts, or rulings from administrative agencies.

The Legislature has divided the state into twelve districts and has established a district court for each district. The districts encompass more than one county except for those that have been established in Lancaster and Douglas Counties. A total of fifty-five district court judges serve the State. The twelve district court judicial districts follow with the number of judges for each district in parentheses:

- District No. 1 -- Clay, Nuckolls, Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson Counties (3 judges);
- District No. 2 -- Sarpy, Cass, and Otoe Counties (4 judges);
- District No. 3 -- Lancaster County (7 judges);
- District No. 4 -- Douglas County (16 judges);
- District No. 5 -- Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders Counties (4 judges);
- District No. 6 -- Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington Counties (3 judges);
- District No. 7 -- Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton Counties (2 judges);
- District No. 8 -- Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard Counties (2 judges);
- District No. 9 -- Buffalo and Hall Counties (3 judges);
- District No. 10 -- Adams, Phelps, Kearney, Harlan, Franklin, Webster, and Counties (2 judges);
- District No. 11 -- Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas Counties (4 judges); and
- District No. 12 -- Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel Counties (5 judges).

The number of judges allocated to each district is dependent upon the population of the district, the judicial workload, whether litigants in the judicial district have adequate access to the courts, judicial duties and travel time involved with the judicial district and other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service.

District judges are appointed by the Governor from a list of at least two qualified lawyers recommended by a judicial nominating commission. This is a commission formed for each district and is composed of eight voting persons; four nonlawyers appointed by the Governor, four lawyers appointed by the Bar Association, and one justice of the Supreme Court serves as chairperson of the commission. The chairperson is a non-voting member. A district judge must run for retention in office at the first general election that is more than three years after his or her appointment and every six years thereafter. If the voters in the district decide he or she shall be retained, he or she serves another six-year term. If the vote is negative, a new judge is appointed following the process stated above. No person may serve as a district court judge unless he or she:

- is at least 30 years old,
- is a citizen of the United States,
- has been engaged in the practice of law in the State of Nebraska for at least five years,
- is currently admitted to practice before the Nebraska Supreme Court; and

- is on the effective date of appointment, a resident of the district to be served, and remains a resident of such district during the period of service.

The district court judge appoints other individuals to assist him or her in the work of the court. One of these is the court reporter who is responsible for assuring that a complete record is kept of the proceedings of that court. The salaries of the district judges and the court reporters are paid by the state.

## **CLERK OF THE DISTRICT COURT**

The clerk of the district court is, as the name applies, an official whose duties relate to the work of the district court. The clerk is elected by individual counties, and since a district court may encompass more than one county, there may be more than one clerk attached to any one district court. The position of the clerk of the district court is authorized for all counties with a population of more than 7,000. In counties with a population of less than seven thousand inhabitants, a clerk of the district court will be elected at the first statewide general election following a determination by the County Board and the district judge for the county that such officer should be elected. When such a determination is not made in a county, the county clerk serves as the ex officio clerk of the district court and performs the duties of that officer. The person holding this position is elected on a partisan ballot for a four-year term.

The primary responsibility of the clerk of the district court is to keep a record of the proceedings of the district court, under the direction of the judge. The clerk of the district court must keep records that are called the appearance docket, the trial docket, the journal, the complete record, the execution docket, the fee book, the general index, and the judgment record.

The clerk of each of the courts must exercise the powers and perform the duties conferred and imposed upon him or her by statutes and the common law. In the performance of his or her duties he or she is under the direction of the court.

## **JUVENILE COURT**

Nebraska law stipulates that special provisions be made in the judicial system for handling cases of juveniles who have been accused of committing a crime. Although the definition of a juvenile involves considering a number of factors, the definition ordinarily includes individuals who are under 18 years of age, who are dependent, neglected, delinquent, or in need of special supervision.

Counties with populations of 75,000 or more have a separate juvenile court judicial district and such counties are authorized to establish a separate juvenile court with the approval of a majority of the electors. Currently Douglas, Lancaster and Sarpy Counties are the only counties with separate juvenile courts.

In counties where a separate juvenile court is established, the County Board of the county is required to provide suitable rooms and offices for the accommodation of the judge of the separate juvenile court and the officers and employees appointed by such judge or by the probation administrator. A juvenile court created in a separate juvenile court judicial district or a county court sitting as a juvenile court in all other counties has the power and must exercise jurisdiction within such juvenile court judicial district or county court judicial district with the county court and district court in various matters pertaining to the care, support, custody, or control of minor children under the age of eighteen years.

In counties where a separate juvenile court is established, the number of judges for each court is:

- Two judges in counties having 75,000 to 200,000 population,
- Three judges in counties having 200,000 to 400,000 population, and
- Five judges in counties having 400,000 or more population.

Judges of the juvenile court are appointed by the governor from a list supplied by a judicial nominating commission. These judges are under the merit plan, as are the district and county court judges, which means a juvenile court judge must run for retention in office at the first general election that is more than three years after his or her appointment and every six years thereafter. A juvenile court judge of the juvenile court must possess the same qualifications as district and county court judges.

The clerk of the district court in a county having a separate juvenile court serves as ex officio clerk of the separate juvenile court. Several staff members are appointed by the judge of the juvenile court to assist him or her in carrying out the duties of the office. These include among others a court reporter and bailiff. The salaries of the bailiff and other necessary personal staff of the separate juvenile court are fixed by the presiding judge, subject to the approval of the Board of County Commissioners or Supervisors, and paid out of the general fund of the county.

## COUNTY COURTS

Each of the ninety-three counties in Nebraska has a county court located at the county seat. The county court serves as a probate court, with original jurisdiction to probate wills, administer estates, supervise trusts, appoint and supervise guardians, and authorize the adoption of minors. The county court also has civil jurisdiction in cases not involving more than \$51,000, criminal jurisdiction in cases involving misdemeanors, traffic infractions, and violations of city or village ordinances. Beginning September 2001, the jurisdiction of county courts was extended to hear civil cases for which the amount of money in question is \$51,000 or less. After July 1, 2005, the Supreme Court is authorized to increase the jurisdictional amount to account for inflation. With the exception of Douglas, Lancaster, and Sarpy counties, the county court has jurisdiction in all cases involving juveniles.

Although county courts are located in each county, one judge may have a responsibility for more than one county. The Legislature has divided the state into twelve districts and has established a district court for each district. The districts encompass more than one county except for those that have been established in Lancaster and Douglas Counties. A total of fifty-nine county court judges serve the State. The twelve county court judicial districts follow with the number of judges for each district in parentheses:

- District No. 1 -- Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson Counties (3 judges);
- District No. 2 -- Sarpy, Cass, and Otoe Counties (4 judges);
- District No. 3 -- Lancaster County (6 judges);
- District No. 4 -- Douglas County (12 judges);
- District No. 5 -- Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders Counties (6 judges);
- District No. 6 -- Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington Counties (4 judges);
- District No. 7 -- Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton Counties (3 judges);

- District No. 8 -- Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard Counties (3 judges);
- District No. 9 -- Buffalo and Hall Counties (4 judges);
- District No. 10 -- Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls Counties (3 judges);
- District No. 11 -- Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas Counties (5 judges); and
- District No. 12 -- Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel Counties (6 judges).

County court judges are selected in the same manner as district and juvenile court judges. Salaries of judges and all county court employees are paid by the state. Each county is, however, responsible for the cost of facilities, supplies, and any equipment needed by the court. The qualifications for serving as a county judge are the same as those for a district court and juvenile court judge.

Clerk magistrates are appointed to serve each county by the county judge or judges if the district has more than one county judge. Such an individual serves at the pleasure of the county judge or judges subject to the rules adopted by the Supreme Court. The clerk magistrate serves as the clerk of the county court or county courts if appointed to serve for more than one county. To be eligible for appointment as a clerk magistrate an individual must be a graduate of a high school or hold a certificate of equivalency issued by the State Board of Education.

Divisions of the county court may be established at locations other than the county seat when such establishment is determined by the county judges to be beneficial in the administration of justice. The county judges may take such action on their own motion, or on request of the governing body of a city or village. All matters over which the county court has jurisdiction must be filed with the clerk at the county seat, unless the county judges, in their order establishing a division at another location, specifically provide for the filing of cases in such division. Matters relating to decedents' estates, guardianship and conservatorship can be filed only with the clerk at the county seat.

## **SMALL CLAIMS COURT**

Each county court is required to establish a small claims court. This is a rather unique court which has been developed to facilitate handling small claims. The small claims court is authorized to handle all civil actions where the amount of money or damage or value of personal property does not exceed \$2,700.00 adjusted for inflation by the Supreme Court every fifth year beginning July 1, 2000, or where there is an action to avoid or rescind a contract for the purchase of goods or services not in excess of \$2,700.00 adjusted for inflation by the Supreme Court every fifth year beginning July 1, 2000. The small claims court is unique in that there are no lawyers; the individuals involved present their own case and the emphasis is upon an informal judicial proceeding where the rules of evidence do not apply. The sole object of this court is to provide for prompt and just settlement of cases involving relatively small amounts of money.

## APPENDIX A - NEBRASKA COUNTIES

### Population Estimates by Nebraska Counties for 2000 & 2010

<u>Co. Code</u>	<u>County</u>	<u>Census 2000</u>	<u>Census 2010</u>
1	Adams County	31,151	31,364
3	Antelope County	7,452	6,685
5	Arthur County	444	460
7	Banner County	819	690
9	Blaine County	583	478
11	Boone County	6,259	5,505
13	Box Butte County	12,158	11,308
15	Boyd County	2,438	2,099
17	Brown County	3,525	3,145
19	Buffalo County	42,259	46,102
21	Burt County	7,791	6,858
23	Butler County	8,767	8,395
25	Cass County	24,334	25,241
27	Cedar County	9,615	8,852
29	Chase County	4,068	3,966
31	Cherry County	6,148	5,713
33	Cheyenne County	9,830	9,998
35	Clay County	7,039	6,542
37	Colfax County	10,441	10,515
39	Cuming County	10,203	9,139
41	Custer County	11,793	10,939
43	Dakota County	20,253	21,006
45	Dawes County	9,060	9,182
47	Dawson County	24,365	24,326
49	Deuel County	2,098	1,941
51	Dixon County	6,339	6,000
53	Dodge County	36,160	36,691
55	Douglas County	463,585	517,110
57	Dundy County	2,292	2,008
59	Fillmore County	6,634	5,890
61	Franklin County	3,574	3,225
63	Frontier County	3,099	2,756
65	Furnas County	5,324	4,959
67	Gage County	22,993	22,311
69	Garden County	2,292	2,057
71	Garfield County	1,902	2,049
73	Gosper County	2,143	2,044
75	Grant County	747	614
77	Greeley County	2,714	2,538
79	Hall County	53,534	58,607
81	Hamilton County	9,403	9,124
83	Harlan County	3,786	3,423
85	Hayes County	1,068	967
87	Hitchcock County	3,111	2,908
89	Holt County	11,551	10,435
91	Hooker County	783	736
93	Howard County	6,567	6,274
95	Jefferson County	8,333	7,547

<u>Co. Code</u>	<u>County</u>	<u>Census 2000</u>	<u>Census 2010</u>
97	Johnson County	4,488	5,217
99	Kearney County	6,882	6,489
101	Keith County	8,875	8,368
103	Keya Paha County	983	824
105	Kimball County	4,089	3,821
107	Knox County	9,374	8,701
109	Lancaster County	250,291	285,407
111	Lincoln County	34,632	36,288
113	Logan County	774	763
115	Loup County	712	632
117	McPherson County	533	539
119	Madison County	35,226	34,876
121	Merrick County	8,204	7,845
123	Morrill County	5,440	5,042
125	Nance County	4,038	3,735
127	Nemaha County	7,576	7,248
129	Nuckolls County	5,057	4,500
131	Otoe County	15,396	15,740
133	Pawnee County	3,087	2,773
135	Perkins County	3,200	2,970
137	Phelps County	9,747	9,188
139	Pierce County	7,857	7,266
141	Platte County	31,662	32,237
143	Polk County	5,639	5,406
145	Red Willow County	11,448	11,055
147	Richardson County	9,531	8,363
149	Rock County	1,756	1,526
151	Saline County	13,843	14,200
153	Sarpy County	122,595	158,840
155	Saunders County	19,830	20,780
157	Scotts Bluff County	36,951	36,970
159	Seward County	16,496	16,750
161	Sheridan County	6,198	5,469
163	Sherman County	3,318	3,152
165	Sioux County	1,475	1,311
167	Stanton County	6,455	6,129
169	Thayer County	6,055	5,228
171	Thomas County	729	647
173	Thurston County	7,171	6,940
175	Valley County	4,647	4,260
177	Washington County	18,780	20,234
179	Wayne County	9,851	9,595
181	Webster County	4,061	3,812
183	Wheeler County	886	818
185	York County	14,598	13,665

Source: U.S. Bureau of the Census, 2010 Census, 2011 - Last updated: 8/29/2011  
e-mail: michael.lundeen@nebraska.gov  
by Nebraska Databook



## APPENDIX B

### THE NEBRASKA AMERICAN LEGION AND AUXILIARY'S COUNTY GOVERNMENT DAY

Chief Justice Robert Simmons of the Nebraska Supreme Court conceived the idea of Cornhusker Boys and Girls County Government Day in 1944 while attending a session of Cornhusker Boys State. Simmons, who had served the Nebraska American Legion as state commander in 1920-21, was interested in improving secondary education, especially its curriculum in the study of government. His idea was to become one of the most innovative approaches to the study of county government in Nebraska and in the entire country.

The program got its actual beginning when Simmons overheard a boy attending a session of Boys State say in disgust following his defeat for a state office, "I guess all there is left for me to do is run for one of those old county offices." The remark bothered the Chief Justice and played on his mind until he conceived a study of county government patterned as an outgrowth of the Boys State and Girls State programs.

His idea had to wait as Americans turned their attention to World War II. Simmons did not forget and in 1947, he appeared before the state conventions of the Nebraska American Legion and the Nebraska American Legion Auxiliary to plead for his new idea. Both organizations adopted the plan and this unique educational program became a reality.

Even before delegates to the Legion's state convention had adopted the proposal, Adjutant R.C. "Pat" Patterson had talked it over with officials at National Headquarters. They indicated to Patterson that "They were not only interested in it sufficiently to send someone here when we hold meetings, but they asked that they might send someone to Nebraska to be with us to study the program as we develop it, in order that it can be expanded nationally."

If there was any doubt in the minds of Legion officials as to the merits of the program, it was not with Nebraska officials. They showed their faith in the project by incorporating the program under the laws of the State of Nebraska in November 1947, and formed a board of directors which consisted of Nebraska State Education officials as well as American Legion and American Legion Auxiliary leaders.

The corporation decided on an experimental plan whereas the project would begin in 1947-48 with six counties holding what was then termed "Participation Day." The six counties enrolled in the original Government Day Program were Box Butte, Hayes, Greeley, Dodge, Phelps and Johnson counties. In early 1948 the support for the program gained momentum and 32 Nebraska counties enrolled in the project. It peaked in 1950-51 when all Nebraska counties had organized a County Government Program. That year, approximately 70,000 high school students in Nebraska took part in the program with nearly 10,000 of them actually visiting offices in the courthouse as student-elected officials.

The word of the virtual "overnight" success of the program quickly spread to other states and soon inquiries started arriving at the Legion's state headquarters asking for assistance in setting up programs in other states. The idea had caught on.

In Washington D.C. to address the 1948 National Conference on Citizenship, Chief Justice Simmons described his County Government Day Program as a "laboratory demonstration" of how local government operates. He said the major premise behind his plan was that local government "is the very foundation on which the American dream has been built." He said two main objectives of the project were the war against delinquency and the effort to halt the spreading virus of communism. These objectives are emphasized, he said, by giving the youngsters not merely something to be against, but also something to be for.

The program prospered through the fifties with all or most counties taking part. Counties in rural areas of the state sometimes combined their programs to ensure that the opportunity existed for all students to study county government. In some instances, students from one county would be transported to another to partake in the program's benefits. School, county and Legion officials worked together for the benefit of the students.

Since the early 1960's, the number of counties participating in the program has averaged about 80. The organization of the program has been assumed or taken over, for the most part, by county Legion and Auxiliary organizations in many rural areas. But one fact remains, it is still a valuable learning experience and touches the very pulse of our democratic system of government.

## APPENDIX C

### NEBRASKA ASSOCIATION OF COUNTY OFFICIALS

The Nebraska Association of County Officials (NACO) was formed in 1894. A state office was established in 1968 with a full-time staff and an Executive Director. The purpose of the Association is, "To stimulate and contribute to continuing improvement of county government throughout the State of Nebraska, including specifically increased efficiency of county government and an even higher standard of public service through the medium of county government." NACO is supported voluntarily by all counties in the state through payment of annual dues.

The authority for the direction of NACO is vested in a Board of Directors of seventeen individuals, between nine and eleven of the individuals hold positions on Boards of Commissioners or Supervisors. The balance of members are representatives of other county offices. The Board of Directors has responsibility for control of fiscal affairs and in establishing policies for the Association. A Legislative Committee of twenty-five members, composed of the seventeen directors and eight members from affiliate groups, is charged with the responsibility of determining the official position of the Association regarding legislation. Proposed legislative changes must first have the approval of the affiliate group before being submitted to the NACO Legislative Committee. During any session of the Legislature, the Committee takes positions on a number of bills that directly affect the work of the county officials in Nebraska.

The major administrative direction of the work of NACO is carried on by the Executive Director. During the legislative session, the Executive Director's time is devoted mostly to lobbying, testifying before committees, and informing county officials on issues that are of concern to them. After the close of each session, the Executive Director informs county officials of legislative changes and other issues affecting counties. The Executive Director also responds to a variety of requests for information from county officials and coordinates a number of programs for counties.

NACO provides assistance to county officials by publishing a magazine and various handbooks for County Boards as well as other county officials. NACO also sponsors or co-sponsors a number of educational and training programs for county officials. To facilitate this training program, the state is divided into five districts. Two meetings are held each year in the Panhandle, West Central, Central, Southeast and Northeast districts. These meetings provide an opportunity for NACO staff and various state officials or their deputies to meet with appropriate county officials on matters of mutual concern. In addition, the clerks and treasurers have a two-day annual meeting with state officials with whom they have interrelated duties. NACO holds an annual convention which is structured in a manner similar to that of the district meetings.

The Nebraska Association of County Officials is concerned with improving the effectiveness of county government in Nebraska. Through a variety of programs that are sponsored by the Association, efforts are made to assist each county official to become a more effective county official. Through these efforts and the effort of all county officials working toward greater cooperation at the local level, the Association believes that the county system in Nebraska can be an even more efficient governmental system.

Nebraska Association of County Officials (NACO)  
625 South 14<sup>th</sup> St., Suite 200  
Lincoln, Nebraska 68508  
Phone - 402.434.5660; Fax - 402.434.5673  
url: <http://www.nacone.org>

## APPENDIX D

### WEB SITES TO ACCESS NEBRASKA COUNTY GOVERNMENT INFORMATION

Beginning in 2000, a six county pilot project was initiated by the Secretary of State. NACO and Nebrask@ Online (NOL) have been partners in the project since its initiation. When the pilot project initially started, there were 12 or 13 counties with a Web site presence. With the assistance of Nebraska.gov, state sponsorship and county support, the number of Nebraska counties with a Web site presence has grown considerably. As of September 2005, there are 79 Nebraska counties that can be accessed at:

Nebraska Association of County Officials	<a href="http://www.nacone.org">http://www.nacone.org</a>
National Association of Counties	<a href="http://www.naco.org">http://www.naco.org</a>
State of Nebraska's Official Web site or Nebrask@ Online	<a href="http://www.nebraska.gov">http://www.nebraska.gov</a> or <a href="http://www.nol.org">http://www.nol.org</a>

County	Web Site	County	Web Site
Adams	<a href="http://www.adamscounty.org">http://www.adamscounty.org</a>	Jefferson	<a href="http://www.co.jefferson.ne.us">http://www.co.jefferson.ne.us</a>
Antelope	<a href="http://www.co.antelope.ne.us">http://www.co.antelope.ne.us</a>	Johnson	<a href="http://www.co.johnson.ne.us">http://www.co.johnson.ne.us</a>
Banner	<a href="http://www.co.banner.ne.us">http://www.co.banner.ne.us</a>	Kearney	<a href="http://www.kearneycounty.ne.gov">http://www.kearneycounty.ne.gov</a>
Blaine	<a href="http://www.blainecounty.ne.gov">http://www.blainecounty.ne.gov</a>	Keith	<a href="http://www.co.keith.ne.us">http://www.co.keith.ne.us</a>
Boone	<a href="http://www.co.boone.ne.us">http://www.co.boone.ne.us</a>	Keya Paha	<a href="http://www.co.keya-paha.ne.us">http://www.co.keya-paha.ne.us</a>
Box Butte	<a href="http://www.co.box-butte.ne.us">http://www.co.box-butte.ne.us</a>	Kimball	<a href="http://www.co.kimball.ne.us">http://www.co.kimball.ne.us</a>
Brown	<a href="http://www.co.brown.ne.us">http://www.co.brown.ne.us</a>	Knox	<a href="http://www.co.knox.ne.us">http://www.co.knox.ne.us</a>
Buffalo	<a href="http://www.buffalogov.org">http://www.buffalogov.org</a>	Lancaster	<a href="http://www.lancaster.ne.gov">http://www.lancaster.ne.gov</a>
Burt	<a href="http://www.burtcounty.ne.gov">http://www.burtcounty.ne.gov</a>	Lincoln	<a href="http://www.co.lincoln.ne.us">http://www.co.lincoln.ne.us</a>
Butler	<a href="http://www.co.butler.ne.us">http://www.co.butler.ne.us</a>	Loup	<a href="http://www.co.loup.ne.us">http://www.co.loup.ne.us</a>
Cass	<a href="http://www.cassne.org">http://www.cassne.org</a>	Madison	<a href="http://www.co.madison.ne.us">http://www.co.madison.ne.us</a>
Cedar	<a href="http://www.co.cedar.ne.us">http://www.co.cedar.ne.us</a>	Morrill	<a href="http://www.morrillcounty.ne.gov">http://www.morrillcounty.ne.gov</a>
Chase	<a href="http://www.co.chase.ne.us">http://www.co.chase.ne.us</a>	Nance	<a href="http://www.co.nance.ne.us">http://www.co.nance.ne.us</a>
Cherry	<a href="http://www.co.cherry.ne.us">http://www.co.cherry.ne.us</a>	Nemaha	<a href="http://www.nemahacounty.ne.gov">http://www.nemahacounty.ne.gov</a>
Cheyenne	<a href="http://www.co.cheyenne.ne.us">http://www.co.cheyenne.ne.us</a>	Nuckolls	<a href="http://www.nuckollscounty.ne.gov">http://www.nuckollscounty.ne.gov</a>
Clay	<a href="http://www.claycounty.ne.gov">http://www.claycounty.ne.gov</a>	Otoe	<a href="http://www.co.otoe.ne.us">http://www.co.otoe.ne.us</a>
Colfax	<a href="http://www.colfaxcounty.ne.gov">http://www.colfaxcounty.ne.gov</a>	Pawnee	<a href="http://www.co.pawnee.ne.us">http://www.co.pawnee.ne.us</a>
Cuming	<a href="http://www.co.cuming.ne.us">http://www.co.cuming.ne.us</a>	Perkins	<a href="http://www.co.perkins.ne.us">http://www.co.perkins.ne.us</a>
Custer	<a href="http://www.co.custer.ne.us">http://www.co.custer.ne.us</a>	Phelps	<a href="http://www.phelpsgov.org">http://www.phelpsgov.org</a>
Dakota	<a href="http://www.dakotacountyne.org">http://www.dakotacountyne.org</a>	Pierce	<a href="http://www.co.pierce.ne.us">http://www.co.pierce.ne.us</a>
Dawes	<a href="http://www.co.dawes.ne.us">http://www.co.dawes.ne.us</a>	Platte	<a href="http://www.plattecounty.net">http://www.plattecounty.net</a>
Dawson	<a href="http://www.dawsoncountyne.net">http://www.dawsoncountyne.net</a>	Polk	<a href="http://www.polkcounty.ne.gov">http://www.polkcounty.ne.gov</a>
Deuel	<a href="http://www.co.deuel.ne.us">http://www.co.deuel.ne.us</a>	Red Willow	<a href="http://www.co.red-willow.ne.us">http://www.co.red-willow.ne.us</a>
Dixon	<a href="http://www.co.dixon.ne.us">http://www.co.dixon.ne.us</a>	Richardson	<a href="http://www.co.richardson.ne.us">http://www.co.richardson.ne.us</a>
Dodge	<a href="http://www.dodgecounty.ne.gov">http://www.dodgecounty.ne.gov</a>	Rock	<a href="http://www.co.rock.ne.us">http://www.co.rock.ne.us</a>
Douglas	<a href="http://www.co.douglas.ne.us">http://www.co.douglas.ne.us</a>	Saline	<a href="http://www.co.saline.ne.us">http://www.co.saline.ne.us</a>
Dundy	<a href="http://www.co.dundy.ne.us/">http://www.co.dundy.ne.us/</a>	Sarpy	<a href="http://www.sarpy.com">http://www.sarpy.com</a>
Fillmore	<a href="http://www.fillmorecounty.org">http://www.fillmorecounty.org</a>	Saunders	<a href="http://www.saunderscounty.ne.gov">http://www.saunderscounty.ne.gov</a>
Frontier	<a href="http://www.co.frontier.ne.us">http://www.co.frontier.ne.us</a>	Scotts Bluff	<a href="http://www.scottsbluffcounty.org">http://www.scottsbluffcounty.org</a>
Gage	<a href="http://www.co.gage.ne.us">http://www.co.gage.ne.us</a>	Seward	<a href="http://connectseward.org/cgov">http://connectseward.org/cgov</a>
Garden	<a href="http://www.co.garden.ne.us">http://www.co.garden.ne.us</a>	Sherman	<a href="http://www.co.sherman.ne.us">http://www.co.sherman.ne.us</a>
Garfield	<a href="http://www.garfieldcounty.ne.gov/">http://www.garfieldcounty.ne.gov/</a>	Sioux	<a href="http://www.co.sioux.ne.us">http://www.co.sioux.ne.us</a>
Gosper	<a href="http://www.co.gosper.ne.us">http://www.co.gosper.ne.us</a>	Stanton	<a href="http://www.co.stanton.ne.us">http://www.co.stanton.ne.us</a>

<b>County</b>	<b>Web Site</b>	<b>County</b>	<b>Web Site</b>
Hall	<a href="http://www.hallcountyne.gov">http://www.hallcountyne.gov</a>	Thayer	<a href="http://www.thayercounty.ne.gov">http://www.thayercounty.ne.gov</a>
Hamilton	<a href="http://www.co.hamilton.ne.us">http://www.co.hamilton.ne.us</a>	Valley	<a href="http://www.co.valley.ne.us">http://www.co.valley.ne.us</a>
Hayes	<a href="http://www.geocities.com/hayes_county">http://www.geocities.com/hayes_county</a>	Washington	<a href="http://www.co.washington.ne.us">http://www.co.washington.ne.us</a>
Hitchcock	<a href="http://www.co.hitchcock.ne.us">http://www.co.hitchcock.ne.us</a>	Wayne	<a href="http://county.waynene.org">http://county.waynene.org</a>
Holt	<a href="http://www.co.holt.ne.us">http://www.co.holt.ne.us</a>	Webster	<a href="http://www.co.webster.ne.us">http://www.co.webster.ne.us</a>
Hooker	<a href="http://www.co.hooker.ne.us">http://www.co.hooker.ne.us</a>	York	<a href="http://www.yorkcounty.ne.gov">http://www.yorkcounty.ne.gov</a>
Howard	<a href="http://www.howardcounty.ne.gov">http://www.howardcounty.ne.gov</a>		