

CHAPTER 1 – ADMINISTRATIVE

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CHAPTER 1 – ADMINISTRATIVE

Article 1 – Elected Officials

§1-101 CITY MAYOR; SELECTION AND DUTIES.

(A) The Mayor shall be elected at the city election and shall serve a four-year term of office. Any candidate for Mayor must have resided within the City for 40 days prior to filing for the said office and must, in addition, be a qualified taxpayer. He shall have the general and immediate control over all property and officials, whether elected or appointed. He shall preside at all meetings of the City Council and may vote when his vote shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction. The Mayor shall, for the purpose of such vote, be deemed to be a member of the Council.

(B) The Mayor's signature must appear on the City Clerk's minutes of all meetings and he must sign all resolutions which have been passed and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the Mayor may be passed over his veto by a two-thirds vote by the council members. However, if the Mayor neglects or refuses to sign any ordinance and returns it to the Council with his objections in writing at the next regular meeting, the same shall become a law without his signature.

(C) The Mayor shall from time to time communicate to the Council such information and recommendations as, in his opinion, may improve the City. He may require any city official to exhibit his accounts at reasonable intervals and make reports to the Council on any subject pertaining to his office. He shall have the power to remit fines or pardon any offense arising under the ordinances of the City. He may remove an appointed police officer of the City at any time. His territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance and one-half mile in all matters vested in him except taxation. He shall also have such other duties as the City Council may by resolution confer upon him or in any other matters which the laws of the State of Nebraska repose in him.
(Neb. Rev. Stat. §17-110 thru 17-117) (Am. by Ord. No. 391, 11/5/84)

§1-102 CITY COUNCIL; ACTING PRESIDENT.

The City Council shall elect one of its own members each year who shall be styled the President of the Council and who shall preside at all meetings of the Council in the absence of the Mayor. In the absence of the Mayor and the President of the Council, the City Council shall elect one of its own members to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council. All acts of the President of the Council or Acting President of the Council while so acting shall be as binding upon the City Council and upon the City as if done by the elected Mayor.
(Neb. Rev. Stat. §17-148)

§1-103 CITY COUNCIL; SELECTION AND DUTIES.

The members of the City Council shall be elected and serve four-year terms. The Council shall be the legislative division of the city government and shall perform such duties and have such powers as may be authorized by law. The Council shall maintain the peace, regulate business, protect the public health and safety, and assess such taxes and fees as are necessary and appropriate in the exercise of these functions. (Neb. Rev. Stat. §17-103, 17-104)

§1-104 CITY COUNCIL; ORGANIZATION.

City Council members shall take office and commence their duties on the first regular meeting in December following their election. The newly elected council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter hereinafter prescribed and perfect the reorganization of the City Council as herein provided. All appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the City Clerk shall report to the Council the names of all council members-elect who have qualified for their respective offices and this report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the City shall be represented by at least two council members. No person shall be eligible who is not at the time of his election an actual resident of the ward for which he is qualified and, should any council member move from the ward from which he was elected, his office shall thereby become vacant. (Neb. Rev. Stat. §17-104)

§1-105 VACANCY.

(A) Vacancies in city elected offices shall be filled by the Mayor and Council for the balance of the unexpired term except as provided in this section. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall appear as a part of the minutes of such meeting.

(B) The City Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the City the office vacated and the length of the unexpired term.

(C) The Mayor shall, within four weeks after the regular meeting at which such notice has been presented or upon the death of the incumbent, call a special meeting of the City Council, at which time the Mayor shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

(D) No officer who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the City Council during the remainder of his or her term of office.

(E) Upon a majority vote of approval by the City Council, the vacancy shall be filled. If a majority vote is not reached, the nomination shall be rejected and the Mayor shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to carry by majority vote, the Mayor shall continue at such meeting to submit the names of qualified electors and the Council shall continue to vote upon such nominations until the vacancy is filled.

(F) The Mayor shall cast his or her vote only in case of a tie vote of the City Council.

(G) All City Council members shall cast a ballot for or against each nominee.

(H) The Mayor and Council may, in lieu of filling a vacancy in a city office as provided above in this section, call a special city election to fill such vacancy.

(I) If there are vacancies in the offices of a majority of the members of the City Council, there shall be a special city election conducted by the Secretary of State to fill such vacancies. (Neb. Rev. Stat. §17-212, 32-4,152, 32-1406) (Am. by Ord. Nos. 392, 11/5/82; 459, 2/4/91)

§1-106 MAYOR; VACANCY.

Whenever a vacancy occurs in the office of Mayor, or in case of his disability or absence, the President of the Council shall exercise the office of Mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns. When the successful candidate for Mayor is prevented from assuming office, the incumbent Mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the President of the Council shall exercise the office of Mayor until such vacancy is filled. If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in Section 1-105. (Neb. Rev. Stat. §17-107, 17-115)

§1-107 VACANCY DUE TO UNEXCUSED ABSENCES.

In addition to the events listed in Neb. Rev. Stat. §32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the Council unless the absences are excused by a majority vote of the remaining members. The Council shall take a vote on whether to excuse a member's absence from a meeting upon either a written request from the member submitted to the City Clerk or the motion of any other council member. If a council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the City Clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the Council shall set a date for a hearing and direct the City Clerk to give the member notice of the hearing by personal service or first class mail to the member's last known address. At the hearing, the council member shall have the right to present information on why one or more of the absences should be excused. If the Council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the Council. (Neb. Rev. Stat. §19-3101) (Ord. No. 688, 6/2/03)

Article 2 – Appointed Officials

§1-201 GENERAL AUTHORITY.

The Mayor, by and with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the Mayor. The Mayor, by and with the consent of the City Council, shall appoint such a number of regular policemen and other officials as may be necessary and may establish a police reserve force as provided by law. All police officers and other appointed officials shall be subject to removal at any time by the Mayor. (Neb. Rev. Stat. §81-1438 thru 81-1446)

§1-202 MERGER OF OFFICES.

The City Council may in its discretion by ordinance combine and merge any elective or appointive office or employment, except Mayor or a City Council member, with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time. Any offices so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-108.02) (Am. by Ord. No. 393, 11/5/84)

§1-203 CLERK-TREASURER POSITION CREATED.

The appointive offices of City Clerk and City Treasurer are hereby combined and merged in accordance with the authority granted by Section 1-202. The office so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

§1-204 CITY CLERK.

(A) The City Clerk shall attend the meetings of the City Council and keep a correct journal of its proceedings. He shall keep a record of all outstanding bonds against the City and when any bonds are sold, purchased, paid, or cancelled, said record shall show the fact. At the end of the fiscal year, he shall make a report of the business of the City transacted through his office for the year, describing particularly the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He shall file all official bonds after the same shall have been properly executed and approved. He shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the City Council. He shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances. He shall collect all occupation taxes and license money except where some other city officer is specifically charged with that duty. He shall keep a register of all licenses granted in the City and the purpose for which they have been issued.

(B) The City Clerk shall permit no records, public papers, or other documents of the City kept and preserved in his office to be taken therefrom except by such officers of the City as may be entitled to the use of the same but only upon their leaving a receipt therefor. He shall keep all the records of his office, including a record of all licenses issued, in a blank book with a proper index. He shall include as part of his records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He shall endorse the date and hour of filing upon every paper or document so filed in his office. All such filings made by him shall be properly docketed. Included in his records shall be all standard codes, amendments thereto, and other documents incorporated by reference, arranged in triplicate in a manner convenient for reference.

(C) The Clerk shall keep and preserve the proceedings of the City Council in two separate and distinct record books. The Minute Record shall contain a record of all the miscellaneous, informal doings of the Council. The Minute Record shall not include the passage and approval of ordinances except such resolutions incorporating the Ordinance Record into the Minute Record

by reference. The Ordinance Record shall contain the formal proceedings of the City Council in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Clerk shall record and spread at large in the Ordinance Record his ordinance minutes on printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Council, the Clerk shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record.

(D) The Clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

(E) The Clerk shall deliver all warrants, ordinances, and resolutions under his charge to the Mayor for his signature. He shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said recipients. With the seal of the City, he shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the City Council. Within 30 days after any meeting of the Council, the Clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the City which was duly designated as such by the Council. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such jobs shall be published; any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May; provided, the charge for such publication shall not exceed the rates provided by state statutes and said publication shall be charged against the General Fund. He shall then keep in a book with a proper index copies of all notices required to be published or posted by order of the City Council or under the ordinances of the City. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the City Clerk's certificate under seal where the same are required to be posted only.

(F) The Clerk shall receive all objections to creation of paving districts and other street improvements. He shall receive the claims of any person against the City and in the event that the said claim is disallowed in part or in whole, he shall notify such claimant, his agent, or attorney by letter within five days after such disallowance and shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

(G) The Clerk may charge a reasonable fee for certified copies of any record in his office as set by resolution of the City Council. He shall destroy city records under the direction of the State Records Board pursuant to Neb. Rev. Stat. §84-1201 thru 84-1220; provided, the Council shall not have the authority to destroy the Clerk's minutes, the permanent ordinance and resolution books, or any other records classified as permanent by the State Records Board.

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 thru 84-1220, 84-712)

§1-205 CITY TREASURER.

(A) The City Treasurer shall be the custodian of all money belonging to the City. He or

she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The City Treasurer shall, at the end of every month and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the City Clerk's office. If the City Treasurer fails to render his or her account within 20 days after the end of the month or by a later date established by the City Council, the Mayor may use this failure as a cause to remove the Treasurer from office. (Neb. Rev. Stat. §17-606)

(B)(1) All warrants upon the City Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. Rev. Stat. §77-2201 through 77-2215. (Neb. Rev. Stat. §77-2201)

(2)The Treasurer shall keep a warrant register in the form required by Neb. Rev. Stat. §77-2202.

(3) The City Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived and shall, by distinct lines and columns, show the amount received to the credit of each separate fund and whether the same was paid in cash, in warrants, or otherwise.

(4) The City Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register and carry the amounts forward and, at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess. (Neb. Rev. Stat. §77-2210)

(C)(1) The Treasurer shall prepare and publish annually within 60 days following the close of the City fiscal year a statement of the receipts and expenditures by funds of the City for the preceding fiscal year. (Neb. Rev. Stat. §19-1101)

(2) Publication shall be made in a legal newspaper of general circulation in the City. If no legal newspaper is published in the City, then such publication shall be made in a legal newspaper published or of general circulation within the county in which the City is located. (Neb. Rev. Stat. §19-1103)

(D) The Treasurer shall keep all money belonging to the City separate and distinct from his or her own money. He or she shall invest and collect all money owned by or owed to the City as directed by the City Council. He or she shall maintain depository evidence that all city money is, in the name of the City, in a solvent and going financial institution of a type authorized by state law for deposit of city funds. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the City, whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. (Am. by Ord. No. 672, 11/4/02)

§1-206 (Reserved for Future Use)

§1-207 (Reserved for Future Use)

§1-208 CITY ATTORNEY.

The City Attorney shall be the legal advisor of the City Council. He shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted or defended or that may be ordered by the Council. When requested, he shall attend meetings of the Council and give his opinion upon any matters submitted to him, either orally or in writing, as may be required. He shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he shall perform such other duties as may be imposed upon him by general law or ordinance. The City Council shall have the right to pay the City Attorney compensation for legal services performed by him for it on such terms as the Council and attorney may agree and to employ additional legal assistance and to pay for such legal assistance out of the funds of the City. (Neb. Rev. Stat. §17-610)

§1-209 CITY PHYSICIAN.

The City Physician shall be a member of the Board of Health of the City and perform the duties devolving upon him as the medical advisor of the said board. In all injuries where a liability may be asserted against the City, the City Physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He shall then report the results of his investigation with the name of the party injured and all other persons who may have personal knowledge of the matter. He shall make all physical examinations and necessary laboratory tests incident thereto and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property and the state of health of the inhabitants therein, he shall have the right at all reasonable hours to go upon and enter all premises, buildings, or other structures in the City. He shall perform such other duties as may be required of him by the laws of the State of Nebraska and the ordinances of the City. When ordered to do so by the City Council, he shall disinfect or fumigate the premises or persons in or about the premises when the premises are quarantined, and to call upon indigent sick persons and perform other professional services at the direction of the Council. The City Physician shall receive as compensation for his services such sum as the City Council may from time to time set. He shall receive no compensation for his services as a member of the Board of Health. (Neb. Rev. Stat. §17-121)

§1-210 CITY POLICE CHIEF.

The Police Chief shall direct the police work of the City and shall be responsible for the maintenance of law and order. He shall act as Health Inspector except in the event the City appoints another person. He shall file the necessary complaints in cases arising out of violations of city ordinances and shall make all necessary reports required by the city ordinances or state laws. (Neb. Rev. Stat. §17-107, 17-121)

§1-211 CITY FIRE CHIEF.

The Fire Chief shall be approved by the Mayor and City Council. He shall enforce all laws and ordinances covering the prevention of fires, the storage and use of explosives and flammable substances, the installation of fire alarm systems, the maintenance of fire extinguishing equipment, the regulation of fire escapes, and the inspection of all premises requiring adequate fire escapes. He shall within two days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall, on or before April 1 and October 1 of each year cause the secretary to file with the City Clerk and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions

provided by law. He shall have the power during the time of a fire and for a period of 36 hours thereafter to arrest any suspected arsonist or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Chief. The Fire Chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards and related dangers. (Neb. Rev. Stat. §17-147, 17-505, 35-102, 35-108, 81-506, 81-512) (Am. by Ord. No. 474, 7/6/92)

§1-212 SPECIAL ENGINEER.

The City Council may employ a Special Engineer to make or assist the City Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the City. He shall, when directed by the City Council, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Council. He shall, upon request of the City Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the City Council may require. All records of the Special Engineer shall be public records which shall belong to the City and shall be turned over to his successor. (Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919) (Am. by Ord. No. 360, 9/6/83)

§1-213 CITY LANDFILL SUPERINTENDENT.

The Landfill Superintendent shall have the immediate control and supervision of the city landfill and of all dumping of garbage, refuse, waste, and rubbish thereon, subject to the general control and directives of the City Council. He shall at least every six months make a detailed report to the Council on the condition of the landfill and shall direct their attention to such improvements, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall issue dumping permits if the City Council should require them and shall inspect and supervise all work done to improve or extend the landfill. He shall have such other duties as the Council may delegate to him. (Neb. Rev. Stat. §17-107)

§1-214 CITY STREET SUPERINTENDENT.

The Street Superintendent shall, subject to the orders and directives of the City Council, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the City and shall perform such other duties as the Council may require. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He shall, at the request of the Council, make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the City and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. He shall issue such permits and assume such other duties as the City Council may direct. (Neb. Rev. Stat. §17-107, 17-119)

§1-215 CITY UTILITIES SUPERINTENDENT.

A Utilities Superintendent shall be appointed in the event that there is more than one city utility and the City Council determines that it is in the best interest of the City to appoint one official to have the immediate control over all the said city utilities and city streets. The Utilities Superin-

tendent may be removed at any time by the Mayor. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all city officials. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He shall have general supervision and control over the city water system and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery and appliances used in connection with producing and distributing water to inhabitants of the City. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the City Council. The Superintendent shall have the general control and supervisory authority over all employees of the water system which the Council may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the City on account of the said system of waterworks and shall faithfully account for and pay over to the City Treasurer all such money collected in the name of the City and receive a receipt from the Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall then be filed with the City Clerk and the second copy shall be kept by the Superintendent. He shall make a detailed report to the City Council at least once every six months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Superintendent. The City shall provide a bond for the Superintendent conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by resolution of the City Council and on file in the office of the City Clerk. He shall perform such additional duties as may be prescribed by the City Council.

Sewer Department

The Utilities Superintendent shall have the immediate control and supervision over all the employees and property that make up the city sewer system, subject to the general control and directives of the City Council. He shall at least every six months make a detailed report to the Council on the condition of the sewer system and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall have such other duties as the Council may delegate to him.

Electrical System

The Utilities Superintendent shall have the immediate control and supervision over all employees and property that make up the city electric system, subject to the general control and directives of the City Council. He shall at least every six months make a detailed report to the Council on the condition of the electrical system and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall have such other duties as the Council may delegate to him.

(Neb. Rev. Stat. §17-107, 17-541, 17-543)

§1-216 CITY BUILDING INSPECTOR.

The Building Inspector shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with city ordinances. He shall investigate all complaints, whether verbal, written, or in the form of a petition alleging and charging that a violation of city ordinances exists and that a building or structure is unfit or unsafe for human habitation. The Building Inspector is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate any building, structure, or premises at any reasonable hour or at any time if an emergency exists or if requested by the owner or occupant thereof. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection and he shall prepare an annual report including statistics based on the records kept. The Building Inspector shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate. The Building Inspector shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the Council may direct. The Building Inspector may be removed at any time for good and sufficient cause by the City Council.

§1-217 CITY ELECTRICAL INSPECTOR.

The Electrical Inspector shall enforce all laws relating to the installation of electrical wiring and connections thereto. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties. He shall, in the discharge of his official duties and upon proper identification, have authority to enter into any building, structure, or premises at any reasonable hour. He shall perform such other duties and issue any permits that the City Council may direct. The Electrical Inspector may be removed at any time for good and sufficient cause by the Council.

§1-218 CITY PLUMBING INSPECTOR.

The Plumbing Inspector shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties. He shall, in the discharge of his official duties and upon proper identification, have authority to enter into any building, structure, or premises at any reasonable hour. He shall perform such other duties and issue any permits that the City Council may direct. The Plumbing Inspector may be removed at any time for good and sufficient cause by the Council.

Article 3 – Bonds and Oath; Confidential Information

§1-301 BONDS; FORM.

(A) Official bonds of the City shall be in form, joint and several, and shall be made payable to the City in such penalty as the City Council may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum when one has been set by the State of Nebraska for each particular official. All official bonds of city officials shall be executed by

the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; provided no city official while still in his official term of office shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the City. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the City and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the said instrument by the Mayor and City Clerk pursuant to the said approval of the Council.

(B) The premium on any official bond required to be given may be paid out of the General Fund or other proper city fund upon a resolution to that effect by the City Council at the beginning of any city year. All official bonds meeting the conditions herein shall be filed with the City Clerk for his official records and it shall be his duty to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Council. All surety and other bonds required by city ordinances or by Nebraska law for city officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The City may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the City Council requiring such bond or undertaking and on such terms and conditions as may be required. (Am. by Ord. No. 775, 3/1/10)

(C) In the event that the sureties on the official bond of any officer of the City in the opinion of the City Council become insufficient, the Council may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond or additional sureties to the satisfaction and approval of the City Council, then the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the Council to appoint a competent and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election.

(Neb. Rev. Stat. §11-103 through 11-118, 17-604)

§1-302 OATH OF OFFICE; CITY OFFICIALS

All officials of the City, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."

(Neb. Rev. Stat. §11-101)

§1-303 CONFIDENTIAL INFORMATION.

(A) No city official, employee or appointee shall willfully or knowingly use or disclose any confidential information acquired by him or her in the course of and by reason of his or her official duties for the purpose of pecuniary gain. Such confidential information shall not be disclosed in any manner other than for official city business.

(B) No former city official, employee or appointee shall use or disclose any confidential information to which he or she had access by virtue of his or her official capacity and which has not been made public concerning the property, operations, policies or affairs of the City.

(C) Such confidential information shall include, but not be limited to, information acquired under the provisions of LB 840.

(D) Any person violating this section shall be subject to a fine of up to \$300.00, plus any civil damages which may otherwise be provided by law. In addition, any such violation shall constitute grounds for removal of such official, employee or appointee.
(Ord. No. 708, 6/14/04)

Article 4 – Corporate Seal

§1-401 SEAL; OFFICIAL CORPORATE.

The official corporate seal of the City shall be kept in the office of the City Clerk and shall bear the following inscription: "Seal, City of Ord, Valley County, Nebraska." The City Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the City Council and countersigned by the said Clerk.
(Neb. Rev. Stat. §17-502)

Article 5 – Meetings

§1-501 DEFINED.

Meetings, as used in this Article, shall mean all regular, special, or called meetings of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action. (Neb. Rev. Stat. §84-1409(2))

§1-502 PUBLIC BODY DEFINED.

(A) "Public body" as used in this Article shall mean:

(1) The City Council,

(2) All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, and

(3) Advisory committees of the bodies listed above.

(B) This Article shall not apply to subcommittees of such bodies unless such subcommit-

tees have been given authority to take formal action on behalf of their parent body.
(Neb. Rev. Stat. §84-1409(1))

§1-503 COUNCIL MEETINGS; NOTICE, AGENDA.

(A) All public meetings as defined by law shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the City Clerk. The City Council shall have the right to modify the agenda to include items of an emergency nature only at such meetings.

(B) The minutes of the City Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting. The minutes shall be a public record open to inspection by the public upon request at any reasonable time at the office of the City Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the City Clerk shall show how each member voted or that the member was absent and did not vote.

(Neb. Rev. Stat. §84-1408, 84-1409, 84-1411, 84-1413) (Am. by Ord. No. 772, 3/1/10)

§1-504 RIGHTS OF PUBLIC.

(A) Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing.

(B) The City Council shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

(C) Any public body may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting nor may it forbid public participation at all meetings.

(D) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(Neb. Rev. Stat. §84-1408, 84-1412) (Am. by Ord. No. 772, 3/1/10)

§1-505 CLOSED SESSIONS.

(A) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

(B) Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to a public body.

(C) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The meeting shall be reconvened in open session before any formal action may be taken.

(D) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(Neb. Rev. Stat. §84-1410) (Am. by Ord. No. 772, 3/1/10)

§1-506 EMERGENCY MEETINGS.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-509 (Notice to News Media) shall be complied with in conducting emergency meetings. (Neb. Rev. Stat. §84-1411)

§1-507 MINUTES.

Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that the City may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency. (Neb. Rev. Stat. §84-1412, 84-1413)

§1-508 VOTES.

(A) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a city utilizing an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public.

(B) The vote to elect leadership within a public body may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes.

(Neb. Rev. Stat. §17-616, 84-1413)

§1-509 NOTICE TO NEWS MEDIA.

The City Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Neb. Rev. Stat. §84-1411)

§1-510 REGULAR OR SPECIAL MEETINGS.

The meetings of the City Council shall be held in the City Hall. Regular meetings shall be held on the first Monday of each month at the hour of 7:30 P.M. Special meetings may be called by the Mayor or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk. No other business shall be transacted at such meeting unless all members of the Council are present and consent thereto. On filing the call for a special meeting, the City Clerk shall notify the council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a council member known to be out of the state or physically unable to be present. Two-thirds of the members of the City Council shall constitute a quorum for the transaction of business but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided, on the request of any two members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the City Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Council members shall elect a President pro tempore. (Neb. Rev. Stat. §17-105, 17-106)

§1-511 ORDER OF BUSINESS.

Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the City Clerk, the Mayor, and such other city officials that may be required shall take their regular stations in the City Hall and the business of the City shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the Clerk.

§1-512 CHANGE IN OFFICE.

The change in office shall be made as follows: The Mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the Council shall present their reports. Upon the old Council having completed its business up to the said time, the outgoing members shall surrender their offices to the incoming members and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers and moneys belonging to the same. (Neb. Rev. Stat. §17-107.02(9))

§1-513 ORGANIZATIONAL.

The newly elected Council shall convene at the regular place of meeting in the City on the first regular meeting in December of each year in which a city election is held, immediately after the prior Council adjourns, and proceed to organize themselves for the ensuing year. The Mayor elected for the new city year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has

been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The Mayor shall then nominate his candidates for appointive offices and then proceed with the regular order of business. It is hereby made the duty of each and every council member or his or her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, and the laws of the City and to perform faithfully and impartially the duties of his office, said oath to be filed in the office of the City Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his office, with the oath endorsed thereon.

§1-514 TELEPHONE CONFERENCE CALLS; WHEN ALLOWED.

(A) A meeting of the governing body of a joint entity formed under the Interlocal Cooperation Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(1) The territory represented by the member public agencies of the entity or pool covers more than one county;

(2) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;

(3) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(4) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(5) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(6) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(7) The telephone conference call lasts no more than one hour; and

(8) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

(B) Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls shall not be used to circumvent any of the public government purposes established in Neb. Rev. Stat. §84-1408 to 84-1414.

(Neb. Rev. Stat. §84-1411(3)) (Ord. No. 643, 7/5/00)

§1-515 VIDEOCONFERENCING; WHEN ALLOWED.

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the City Cooperative Financing Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

(1) Reasonable advance publicized notice is given;

(2) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing were not used;

(3) At least one copy of all documents being considered is available to the public at each site of the videoconference;

(4) At least one member of the governing body or advisory committee is present at each site of the videoconference; and

(5) No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

(B) Videoconferencing shall not be used to circumvent any of the public government purposes established in Neb. Rev. Stat. §84-1408 to 84-1414.

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. "Videoconferencing" shall mean conducting a meeting involving participants at two or more locations through the use of audio- video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. Rev. Stat. §84-1409, 84-1411) (Ord. No. 644, 7/5/00)

Article 6 – Fiscal Management

§1-601 FISCAL YEAR.

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the City Proprietary Function Act. (Neb. Rev. Stat. §17-701) (Am. by Ord. No. 545, 1/3/96)

§1-602 PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY; CORRECTION.

(A) The City Council shall annually prepare a proposed budget statement on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public prior to publication of the notice of the hearing on the proposed budget statement. A proposed budget statement shall contain the following information, except as provided by state law:

(1) For the immediately preceding fiscal year, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(2) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: The actual unencumbered cash balance available at the beginning of the year; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property:

(a) For the purpose of paying the principal or interest on bonds issued by the City Council and

(b) For all other purposes;

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the City Proprietary Function Act, and a grand total of all funds maintained by the City Council; and

(6) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the City Council as provided in the City Proprietary Function Act.

(B) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the City as well as any funds held by the County Treasurer for the City and shall be accurately stated on the proposed budget statement.

(C) The City shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources. (Neb. Rev. Stat. §13-504)

(D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement pursuant to this section. The amount to be raised from

taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year. (Neb. Rev. Stat. §13-505) (Am. by Ord. Nos. 563, 8/4/97, 596, 7/6/98; 653, 5/7/01; 689, 6/2/03)

**§1-603 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION;
CERTIFICATION OF TAX AMOUNT.**

(A) The City Council shall each year conduct a public hearing on its proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the City.

(B) After the hearing, the proposed budget statement shall be adopted or amended and adopted as amended and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately:

(1) The amount to be applied to the payment of principal or interest on bonds issued by the City Council and

(2) The amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes. (Neb. Rev. Stat. §13-506)

(D) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase. (Neb. Rev. Stat. §13-507) (Am. by Ord. Nos. 597, 7/6/98; 690, 6/2/03)

**§1-604 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF
AMOUNT OF TAX.**

(A) After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the levying board on or before September 20 of each year and file with the Auditor of Public Accounts a copy of the adopted budget statement, together with the amount of the tax required to fund the adopted budget, setting out separately (1) the amount to be levied for the payment of principal or interest on bonds issued by the City Council and (2) the amount to be levied for all other purposes. Proof of publication shall be attached to the statements.

(B) The City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5 percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than one percent greater or lesser than the amount deter-

mined in the proposed budget statement.

(C) The City Council may designate one of its members perform any duty or responsibility required of such body by this section.

(Neb. Rev. Stat. §13-508) (Am. by Ord. Nos. 545, 1/3/96; 564, 8/4/97,- 598, 7/6/98)

§1-605 EXPENDITURES PRIOR TO ADOPTION OF BUDGET.

(A) On and after the first day of its fiscal year in 1993 and of each succeeding year and until the adoption of the budget by the City Council in September, the City Council may expend any balance of cash on hand for the current expenses of the City. Except as provided in subsection (B) of this section, such expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

(B) The restriction on expenditures in subsection (A) of this section may be exceeded upon the express finding of the City Council that expenditures beyond the amount authorized are necessary to enable the City to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the City Council in open public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the City in excess of that authorized by any other statutory provision.

(Neb. Rev. Stat. §13-509.01, 13-509.02) (Ord. No. 525, 2/6/95)

§1-606 BUDGET PROCEDURE.

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation.

§1-607 APPROPRIATION BILL.

The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City. (Neb. Rev. Stat. §17-706) (Am. by Ord. No. 545, 1/3/96)

§1-608 ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRA-ORDINARY LEVIES.

(A) The City Council has decided to certify to the County Clerk for collection one all-purpose levy required to be raised by taxation for all city purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. Rev. Stat. §77-3442, the all-purpose levy shall not exceed the annual levy specified in Neb. Rev. Stat. §19-1309 to be levied upon the taxable valuation of all taxable property in the City.

(B) The amount of the all-purpose levy shall be certified as a single amount for general fund purposes. The City Council shall allocate the amount raised by the all-purpose levy to the several departments of the City in its annual budget and appropriation ordinance or in other legal manner as the Council deems wisest and best.

(C) The City shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the City may be made by the City in addition to the all-purpose levy.

(Neb. Rev. Stat. §19-1309 through 19-1312) (Am. by Ord. No. 599, 7/6/98)

§1-609 (Reserved for Future Use)

§1-610 (Reserved for Future Use)

§1-611 (Reserved for Future Use)

§1-612 PROPERTY TAX; CERTIFICATION OF AMOUNT.

The City Council shall, at the time and in the manner provided by law, cause to be certified to the County Clerk the amount of tax to be levied upon the taxable value of all the taxable property of the City which it requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. Subject to Neb. Rev. Stat. §77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of the amounts specified in Neb. Rev. Stat. §17-702.

(Neb. Rev. Stat. §17-702) (Am. by Ord. No. 601, 7/6/98)

§1-613 EXPENDITURES.

No city official shall have the power to appropriate, issue, or draw any order or warrant on the City Treasury for money unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the City shall exceed in any one year the amount provided for that improvement in the adopted budget statement. (Neb. Rev. Stat. §17-708)

§1-614 CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS.

(A) Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the City, no contract for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, costing over \$30,000.00 shall be made unless it is first approved by the City Council.

(B) Except as provided in Neb. Rev. Stat. §18-412.01, before the City Council makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the City Engineer and submitted to the City Council. In advertising for bids as provided in subsections (C) and (E) of this section, the City Council may publish the amount of the estimate.

(C) Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into (1) for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or (2) for the purchase of equipment used in the construction of such enlargement or general improvements.

(D) A city electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is: (1) \$30,000.00 or less; (2) \$60,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00; (3) \$90,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or (4) \$120,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

(E) The advertisement provided for in subsection (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the City and, if there is no legal newspaper published in or of general circulation in the City, then in some newspaper of general circulation published in the county in which the City is located, and if there is no legal newspaper of general circulation published in the county in which the City is located, then in a newspaper designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the City or County, or if no newspaper has general circulation in the County, then by posting a written or printed copy thereof in each of three public places in the City at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the City Council and entered of record.

(F) If, after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract or if the bids received by the Council contain a price which exceeds the estimated cost, the Mayor and Council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements as a cost commensurate with the estimate given.

(G) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council or Board of Public Works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing city, the Council or Board of Public Works may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

(H) Any city bidding procedure may be waived by the City Council or Board of Public Works (1) when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §81-145 to 81-162 or (2) when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

(I) Notwithstanding any other provisions of law or a home rule charter, a city which has established a joint purchasing division or agency by an interlocal agreement with any county may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection:

(1) "Personal property" includes, but is not limited to, supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and

(2) "Purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means.

(Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756) (Am. by Ord. Nos. 366, 11/8/83; 602, 7/6/98; 774, 3/1/10)

§1-615 ANNUAL AUDIT.

The City Council shall cause an audit of city accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Council. The said audit shall be completed and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit not less than three copies of the audit report to the Council. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately and the results of such audits shall appear separately in the annual audit report. Such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the City as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall be filed with the City Clerk, becoming a part of the public records of the Clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the Auditor of Public Accounts. (Neb. Rev. Stat. §19-2901 through 19-2909)

§1-616 CLAIMS.

All claims against the City shall be presented to the City Council in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the Council to be audited nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85 percent of the current levy for the purpose for which it is drawn unless there is sufficient money in the City Treasury for the appropriate fund against which it is to be drawn; provided, in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85 percent but not more than 100 percent of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

§1-617 WARRANTS.

All warrants drawn upon the city treasury must be signed by the Mayor and countersigned by the City Clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

§1-618 SPECIAL ASSESSMENT FUND.

All money received on special tax assessments shall be held by the City Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made and such money shall be used for no other purpose unless to reimburse the City for money expended for any such improvement. (Neb. Rev. Stat. §17-710)

§1-619 SINKING FUNDS.

(A) The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law upon the assessed value of all taxable property within the City for a term not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, or repair of the approved uses as authorized by state law.

(B) To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The City Council may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law.

(C) The funds received by the City Treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the City Council is authorized to do so by 60 percent of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund.

(Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

§1-620 DEPOSIT OF FUNDS.

(A) The City Treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held by him or her as City Treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as Mayor, as a member of the City Council, as a member of the Board of Public Works, or as any other officer of the City shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such city funds.

(B) The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The City Council shall approve such bond or giving of security. The City Treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. (Neb. Rev. Stat. §17-607)

(C) The insurance afforded to depositors in banks, capital stock financial institutions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such

corporation and for deposits so insured, no other surety bond or other security shall be required. (Neb. Rev. Stat. §77-2362)

(D) Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions. (Neb. Rev. Stat. §17-607, 77-2362)
(Am. by Ord. Nos. 603, 7/6/98; 673, 11/4/02; 691, 6/2/03; 701, 5/3/04)

§1-621 CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS.

The City Treasurer may, upon resolution of the Mayor and City Council authorizing the same, purchase certificates of deposit from and make time deposits in any bank, capital stock financial institution, or qualifying mutual financial institution in the State of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation and the amount of the excess deposit shall be secured by a bond or by security given in the same manner as is provided for cities of the first class in Neb. Rev. Stat. §16-714 to 16-716. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions. (Neb. Rev. Stat. §17-720)
(Ord. No. 604, 7/6/98) (Am. by Ord. No. 674, 11/4/02)

§1-622 INVESTMENT OF FUNDS.

The City Council may, by resolution, direct and authorize the City Treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (Neb. Rev. Stat. §17-608, 17-609, 21-1316.01, 77-2341)

§1-623 BOND ISSUES.

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The City Council shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §10-201 through 10-411, 10-601 through 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-343.13, 39-836)

§1-624 PROPERTY TAX LEVY; AUTHORITY TO SET.

(A) The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. Rev. Stat. §77-1601 unless the City Council passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the City at least five days prior to the hearing.

(B) The hearing notice shall contain the following information:

(1) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(2) The property tax rate that would be necessary to fund last year's tax request if ap-

plied to the current year's valuation; and

(3) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(C) Any resolution setting a tax request under this section shall be certified and forwarded to the County Clerk prior to October 14 of the year for which the tax request is to apply.

(D) Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606. (Neb. Rev. Stat. §77-1601.02) (Ord. No. 565, 8/4/97) (Am. by Ord. No. 639, 7/5/00)

Article 7 – Compensation

§1-701 CITY OFFICIALS.

The compensation of any elective official of the City shall not be increased or diminished during the term for which he was elected except when there has been a merger of offices; provided, the compensation of the members of the City Council, a board, or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during the unexpired term of office. He may be rehired after the term of office during which he resigned at a greater salary. All salaries shall be set by the City Council and will be available for public inspection at the office of the City Clerk. (Neb. Rev. Stat. §17-108.02, 17-612)

§1-702 CONFLICT OF INTEREST.

No officer of the City shall be permitted to benefit from any contract to which the City is a party when the consideration of the said contract is in an amount in excess of \$10,000.00 in any one year and no contract may be divided for the purpose of evading the requirements of this section. Any such interest in a contract shall void any obligation on the part of the City; provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the City shall not be considered a contract under the provisions of this section. No official shall receive any pay or compensation from the City other than his salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the City; provided, ownership of less than one percent of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this section. (Neb. Rev. Stat. §17-611, 18-301 through 18-312)

Article 8 – Penal Provision

§1-801 VIOLATIONS; PENALTY.

(A) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B)(1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(2) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 645, 7/5/00)