

CHAPTER I

ADMINISTRATION

ARTICLE I - ELECTED OFFICIALS

SECTION 1-101: ENUMERATED

The electors of the City shall elect a mayor at large and one City Council member from each ward in each city election year; provided that when and if voting by wards is suspended, four Council members shall be elected at large in each election year. A total of eight Council members shall serve the City at all times. Councilmembers shall be electors of the City and residents of the ward from which they were elected. Terms of all elected officials shall commence on the first regularly scheduled City Council meeting in December of the year following their election. (Ref. Neb. Rev. Stat. §16-302.01)

SECTION 1-102 CITY MAYOR; SELECTION AND DUTIES

The mayor of the City shall have the general and immediate control over all property and officials of the City, whether elected or appointed. He/she shall preside at all meetings of the City Council, and may vote when such vote shall be decisive and the Council is equally divided on any pending matter, legislation or transaction; and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His/her signature must appear on the city clerk's minutes of all meetings, and he/she 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/her veto by a two-thirds (2/3) vote by the members of the City Council. However, if the mayor neglects or refuses to sign any ordinance and returns it to the Council with his/her objections in writing at the next regular Council meeting, the same shall become a law without his/her signature.

The mayor shall from time to time communicate to the Council such information and recommendations as, in his/her opinion, may improve the City. He/she may require any city official at reasonable intervals to exhibit his/her accounts and make reports to the Council on any subject pertaining to his/her office. He/she shall have the power to remit fines or pardon any offense arising under the ordinances of the City. He/she may remove at any time an appointed police officer of the City, subject to the provisions of Section 1-1304 herein.

The mayor's territorial authority for the enforcement of health and quarantine ordinances shall extended two miles beyond the City's corporate limits. He/she shall also have such other duties as the City Council may by resolution confer upon him/her, or in any other matters which the laws of the State of Nebraska repose in him/her. He/she 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 quali-

fied taxpayer.

The mayor shall require all city officials and employees to give him/her a receipt for any and all articles belonging to the City now in their charge and all that may hereafter come under their charge. All outgoing city officers and employees shall deliver over to the mayor or account to him/her for all articles used by them in the duties of their office whenever their term of office or employment with the City ceases. (Ref. Neb. Rev. Stat. §16-312 through 16-316)

SECTION 1-103: CITY COUNCIL; ACTING PRESIDENT

The City Council shall elect one of its own body each year who shall be styled the president of the Council, and who shall preside at all meetings of the City Council in the absence of the mayor. In the absence of the mayor and the president of the Council, the council members shall elect one of their own body to occupy the mayor's 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; and 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. (Ref. Neb. Rev. Stat. §16-402)

SECTION 1-104: CITY COUNCIL; SELECTION AND DUTIES

The members of the City Council shall be elected and serve for a four year term. One council member from each ward shall be elected at each election so that terms are staggered. The City 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 City 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. (Ref. Neb. Rev. Stat. §16-302.01)

SECTION 1-105: CITY COUNCIL; ORGANIZATION

City Council members of this City 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 prescribed and perfect the reorganization of the City Council as herein provided, and 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 City Council the names of all City 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 two council members. No person shall be eligible who is not at the time of his/her election an actual resident of the ward for which he/she is qualified; and should any council member move from the ward from which he/she was elected, his/her office shall thereby become vacant. (Ref. Neb. Rev. Stat. §16-302.01)

SECTION 1-106: RESIGNATIONS

All resignations of the mayor and council members shall be in writing and submitted to the City Council for acceptance. Resignations shall not be effective until accepted by formal action of the City Council. No resignations shall be accepted unless a quorum for conducting business will remain after such acceptance of such resignation. (Ref. Neb. Rev. Stat. §32-562)

SECTION 1-107: ELECTED OFFICIALS; VACANCY

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.

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.

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.

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/her removal or the removal of any other member of the City Council during the remainder of his/her term of office.

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 City Council shall continue to vote upon such nominations until the vacancy is filled.

The mayor shall cast his/her vote only in case of a tie vote of the City Council. All City Council members shall cast a ballot for or against each nominee. 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.

If there are vacancies in the offices of a majority of the members of the City Council, there shall be a special municipal election conducted by the Secretary of State to fill such vacancies. (Ref. Neb. Rev. Stat. §32-568, 32-569)

SECTION 1-108: MAYOR; VACANCY

Whenever a vacancy occurs in the office of mayor, or in case of his/her 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 shall be 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 1-106. (Ref. Neb. Rev. Stat. §32-568)

SECTION 1-109 ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

Elected officials shall be residents and registered voters of the City.

A. The mayor and members of the Council shall hold no other elective or appointive office or employment with the City.

B. For purposes of this section, (1) "elective office" means any office which has candidates nominated or elected at the time of a statewide primary election; any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and (2) "high elective office" means a member of the Legislature, an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10 of the Constitution of Nebraska, or a county, city or school district elective office.

C. No candidate for member of the Legislature or an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10 of the Constitution of

Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election, except for the position of delegate to a county, state or national party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election.

D. Except as provided in subsection E or G of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he/she has been elected or appointed to or holds another elected office.

E. No person serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska shall simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

F. Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

G. No person serving in a high elective office shall simultaneously serve in any other high elective office.

H. Notwithstanding subsections E through G of this section, any person holding more than one high elective office on September 13, 1997, shall be entitled to continue to serve the remainder of all terms for which he/she was elected or appointed. (Ref. Neb. Rev. Stat. §16-305, 16-311, 32-109, 32-603, 32-604)

SECTION 1-110 COMPENSATION; CITY OFFICIALS

The compensation of any elective official of the City shall not be increased or diminished during the term for which he/she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the City Council or 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/she resigns and desires to be rehired during the unexpired term of office. Such person may be rehired after the term of office during which he/she resigned at a greater salary. All salaries shall be set by ordinance of the City Council and will be available for public inspection at the office of

the city clerk. (Ref. Neb. Rev. Stat. §16-310, 16-326)

SECTION 1-111: COMPENSATION; CONFLICT OF INTEREST

For purposes of this section, "officer" shall mean (a) any member of any board or commission of the City, (b) any appointed official if such city official (i) serves on a board or commission which spends and administers its own funds and (ii) is dealing with a contract made by such board or commission, or (c) any elected city official. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor or services furnished under the contract to the extent that the City has benefited thereby.

The prohibition in this section shall apply only when the officer or his/her parent, spouse, or child (a) has a business with which the individual is associated or a business association which shall mean a business: (1) in which the individual is a partner, director, or officer or (2) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest or (b) will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

The provisions of this section shall not apply if the interested officer:

- A. Makes a declaration on the record to the City Council regarding the nature and extent of his/her interest, prior to official consideration of the contract;
- B. Does not vote on the matter of granting the contract, except that if the number of members of the Council declaring an interest in the contract would prevent the Council, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

- C. Does not act for the City as to inspection or performance under the contract in which he/she has an interest.

The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any city by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections A through C above, if an officer's parent, spouse or child is an employee of the City, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he/she hires his/her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections 1 through 5 below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the City.

The city clerk shall maintain, separately from other records, a ledger containing the information listed in subsections 1 through 5 of this section about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made as provided in subsections A through C above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include:

1. Names of the contracting parties;
2. Nature of the interest of the officer in question;
3. Date that the contract was approved;
4. Amount of the contract; and
5. Basic terms of the contract.

The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

An open account established for the benefit of any City or entity thereof with a business in which an officer has an interest shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

Any officer who knowingly violates the provisions of Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

All contracts involving \$100.00 or less in which an officer of such City may have an interest are exempt from the above and foregoing provisions.

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the City other than his/her 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. (Ref. Neb. Rev. Stat. §16-502, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04)

ARTICLE II - APPOINTED OFFICIALS

SECTION 1-201: APPOINTMENT; REMOVAL

The mayor, with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. The mayor, by and with the consent of the City Council, shall appoint a number of regular police officers as may be necessary. The City Council may establish and provide for the appointment of members of a law enforcement reserve force as provided by law.

All police officers and other appointed officials may be removed at any time by the mayor with the approval of a majority of the Council; except that if the City has a city water commissioner, he or she may at any time, for sufficient cause, be removed from office by a two-thirds (2/3) vote of the City Council. Removal of police officers may be appealed pursuant to Section 1-1304. (Ref. Neb. Rev. Stat. §16-308, 16-309)

SECTION 1-202: MERGER OF OFFICES

The City Council may, at its discretion, by ordinance, combine and merge any elective or appointive office or employment or any combination of duties of any such office(s) or employment(s), except mayor and Council members, with any other elective or appointive office or employment so that one or more such office(s) or employment(s) or any combination of duties of any such office(s) or employment(s) may be held by the same officer or employee at the same time. The office(s) or employment(s) 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 or compensation of the officer or employee holding the merged or combined office(s) or employment(s) shall not be in excess of the maximum amount provided by law for the salary or compensation of the office(s) or employment(s) so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Ref. Neb. Rev. Stat. §16-305, 16-318.01)

SECTION 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 to the City Council by Section 1-202. The office so merged and combined shall always be construed to be separated, 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. (Ref. Neb. Rev. Stat. §16-318.01)

SECTION 1-204: CITY CLERK

The city clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. He/she 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/she shall make a report of the business of the City transacted through the clerk's office for the year. That record shall describe in particular the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He/she shall file all official bonds after the same shall have been properly executed and approved. He/she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the City Council.

The city clerk shall issue all licenses, permits and occupation tax receipts authorized by law and required by the city ordinances. He/she shall collect all occupation taxes and license money, except where another city officer is specifically charged with that duty. He/she shall keep a register of all licenses granted in the City and the purpose for which they have been issued.

The city clerk shall permit no records, public papers or other documents of the City kept and preserved in the 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/she shall keep all the records of his or her office, including a record of all licenses issued by him or her in a blank book with a proper index. He/she shall include as part of his/her 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/she shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings made shall be properly docketed. Included in his/her records shall be all standard codes, amendments thereto, and other documents incorporated by reference.

The city 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/she 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 during the time that the clerk's office is regularly open for business.

The city clerk shall deliver all warrants, ordinances and resolutions under his/her charge to the mayor for his/her signature. He/she shall also deliver to officers, employees and committees all resolutions and communications which are directed at said officers, employees or committees. With the seal of the City,

he/she 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 City Council, the city clerk shall prepare and publish the official proceedings of the City Council in a legal newspaper of general circulation in the City, and which was duly designated as such by the City 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 job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He/she shall then keep in a book with a proper index copies of all notices required to be published or posted by the city clerk 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.

The city clerk shall receive all objections to creation of paving districts and other street improvements. He/she 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, the city clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such disallowance, and the city clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

The city clerk may charge a reasonable fee for certified copies of any record in the office as set by resolution of the City Council. He/she shall destroy city records under the direction of the State Records Board pursuant to Sections 84-1201 through 84-1220; provided, the City Council shall not have the authority to destroy the minutes of the city clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board. (Ref. Neb. Rev. Stat. §16-317, 19-1102 through 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-205: CITY TREASURER

The city treasurer shall be the custodian of all money belonging to the City. He/she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He/she shall issue duplicate receipt for all moneys received by him/her for the City. He/she shall give to every person paying money into the city treasury a receipt therefor, specifying the date of payment and the account paid. One of the receipts shall be filed with his/her monthly report, and the last copy of the said receipt shall be kept on file in his/her office.

His/her books and accounts shall always be open for inspection by any citizen of the City whenever any city fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He/she shall cancel all bonds, coupons, warrants and other evidences of debt against the City, whenever paid by him/her, by writing or stamping on the face thereof, "Paid by the city treasurer," with the date of payment written or stamped thereon. He/she shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the county treasurer a monthly report as to the collection of delinquent taxes. The treasurer's daily cashbook shall be footed and balanced daily and he/she shall adopt such bookkeeping methods as the City Council shall prescribe. He/she shall invest and collect all money owned by, or owed to, the City as directed by the City Council. (Ref. Neb. Rev. Stat. §16-318, 77-2210 through 77-2212, 84-712)

SECTION 1-206: TREASURER'S MONTHLY REPORT

The city treasurer shall, at the end of each and every month, and such other times as the City Council may deem necessary, render an account to the City Council under oath showing the financial state of the City at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the treasury. He/she shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him/her. He/she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer shall neglect or fail for the space of ten days from the end of each and every month to render his/her accounts as aforesaid, the City Council shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The city treasurer shall be present at each regular meeting of the City Council at which time he/she shall read and file his/her monthly report. (Ref. Neb. Rev. Stat. §16-318))

SECTION 1-207: TREASURER'S ANNUAL REPORT

The city treasurer shall publish in a legal newspaper having general circulation within the City, within 60 days following the close of the municipal fiscal year, a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City. (Ref. Neb. Rev. Stat. §19-1101)

SECTION 1-208: CITY ATTORNEY

The city attorney is the City's legal advisor, and as such he/she shall commence, prosecute and defend all suits on behalf of the City. When requested by the City Council, he/she shall attend meetings of the City Council and shall advise any city official in all matters of law in which the interests of the City may be involved.

He/she shall draft such ordinances, bonds, contracts and other documents as may be required in the administration of the affairs of the City. He/she shall examine all bonds, contracts and documents on which the City Council will be required to act. He/she shall prepare complaints, attend and prosecute violations of the city ordinances when directed to do so by the City Council. Without direction, he/she shall appear and prosecute all cases for violation of the city ordinances that have been appealed to and are pending in any higher court. He/she shall also examine the ordinance records when requested to do so by the City Council and shall advise and assist the city clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid. The City Council shall have the right to compensate the city attorney for legal services on such terms as the City Council and the city attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the City. (Ref. Neb. Rev. Stat. §16-319)

SECTION 1-209 CITY POLICE CHIEF

The City Police Chief shall direct the police work of the City and shall be responsible for the maintenance of law and order. When requested to do so, he/she shall act as sergeant-at-arms at council meetings. He/she 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 the laws of the State of Nebraska.

The Police Chief, or his/her designee, shall be responsible for maintaining and properly policing nuisance violations in the City and within the extraterritorial jurisdiction of the City, shall have the full authority to execute notices and issue citations for violations of such nuisance ordinances of the City. The Police Chief, or his/her designee, also shall be responsible for maintaining and properly policing animal control violations in the City, and shall have the full authority to execute notices and issue citations for violations of such animal control ordinances of the City. (Ref. Neb. Rev. Stat. §16-225, 16-323)

SECTION 1-210: CITY POLICE OFFICERS

City police officers shall be expected to be conversant with city and state laws and shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska. The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep and produce to the proper judicial official upon the trial everything found

upon the person of such prisoners. All personal effects other than contraband or evidence of criminal activity so taken from prisoners aforesaid shall be restored to them upon their release. Any city police officer who shall willfully fail, neglect or refuse to make an arrest, or who purposely and willfully fails to make a complaint after an arrest is made, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. Police officers shall have full power and authority to call on any person whenever necessary to assist them in performing public duties; and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. It shall be unlawful for the City Council to retain any city police officer in that position after he/she shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska or any ordinance of the City, except minor traffic violations. No law enforcement official shall have any interest in any establishment having a liquor license. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his/her badge to the police chief. The City Council may from time to time provide the city police with such equipment and transportation as may be essential in the performance of their official duties. (Ref. Neb. Rev. Stat. §16-225, 16-323)

SECTION 1-211: CITY ENGINEER

The city engineer shall make a record of the minutes of his/her surveys and all other work done for the City. He/she shall, when directed by the City Council, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the City Council. He/she 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/her successor. (Ref. Neb. Rev. Stat. §16-320, 16-321)

SECTION 1-212: SPECIAL ENGINEER

The City Council may, whenever they deem it expedient, employ a special engineer to make or assist in making any particular estimate or survey. Any such estimate or survey shall have the same validity and serve in all respects as though the same had been made by the city engineer. (Ref. Neb. Rev. Stat. §16-322)

SECTION 1-213 RECREATION DIRECTOR

1. There is hereby created the position of Recreation Director. The Recreation Director shall be appointed by the Mayor, and his/her appointment shall be subject to confirmation by the City Council. The Recreation Director, as a Mayoral appointee, is subject to removal only as set forth in Section 1-201. The Mayor shall set the compensation for the Recreation Director, subject to confirmation by the City Council.

2. The Recreation Director, subject to the specific direction of the City Council through the Mayor and subject to the general supervision of the City Administrator, shall have the following duties and responsibilities:

a. to have general charge of all recreation programs at the Community Center, Aquatic Park, Senior Center, and other recreational facilities;

b. to develop a comprehensive community recreation program, and to coordinate and administer all such recreation programs, including those at the Community Center, Aquatic Park, Senior Center, and other recreational facilities;

c. to make detailed reports to the Mayor and City Council regarding the comprehensive community recreation program and the operations of the Community Center, Aquatic Park, Senior Center, and other recreational facilities;

d. supervise the full-time and part-time staff of the Community Center, Aquatic Park, Senior Center, and other recreational facilities;

e. prepare and maintain all necessary and required reports and records pertaining to public works;

f. coordinate screening and interviewing of all candidates for recreation facilities jobs and make recommendations regarding hiring to the City Administrator;

g. coordinate capital improvement projects with the Public Works Director; and

h. participate in the preparation of the budget for the comprehensive community recreation program.

SECTION 1-214 REPEALED
(Repealed by Ordinance No. 1775)

SECTION 1-215: STREET AND PROPERTY MAINTENANCE SUPERINTENDENT

(Repealed by Ordinance No. 1776)

SECTION 1-216 CITY ADMINISTRATOR

The city administrator is the non-elected head of city government under the direction and control of the mayor and City Council. The city administrator is appointed by the mayor upon approval of a majority of the City Council and may be removed at any time upon notice given by the mayor after approval by a majority of the City Council.

The city administrator is the administrative supervisor of all city departments. Except for purposes of inquiry and except as managed by the mayor and City Council through its liaison committee, the mayor and City Council shall manage the affairs of the City through the city administrator.

The city administrator shall direct the affairs of the City through planning and coordination of functions. He/she will coordinate the operations of the departments with the department heads. He/she will also ensure compliance with city procedures and policies; promote training programs; and foster good employee relations.

The city administrator shall:

1. Keep the mayor and City Council fully advised about the City's financial condition and the City's needs, prepare the annual estimates of revenues and expenditures, and prepare a proposed budget to present a complete financial plan to the mayor and City Council prior to the Council's consideration and adoption of the annual appropriation ordinance; and supervise and control the budgeted expenditures.
2. Initially review the department heads' proposed discipline and discharge of an employee to ensure compliance with legal requirements and to determine if it is necessary to refer the matter to the city attorney for review before department heads take action. The city administrator shall also ensure that the City complies with the city Civil Service laws. The city administrator may also temporarily transfer employees between departments, divisions and services to meet emergencies.
3. Attend all meetings of the City Council and report any matter concerning city affairs; and attend such other meetings of departments and officials as these duties require or as directed by the

mayor and Council.

4. Investigate the affairs of the City and make recommendations to the mayor and Council for action deemed necessary or expedient for the good of the city government.
5. Investigate, or have investigated, all complaints filed against any employee, department, division or service of the City and to report such investigation with recommendations to the mayor and Council.
6. Serve as purchasing agent of the City; to purchase or contract or supervise the same for all supplies and contractual services needed by any department or agency of the City which derives its support wholly or in part from the City, in accordance with purchasing procedures as prescribed by this subsection, and such rules and regulations as the Administrator shall adopt for the internal management and operation of his or her duties as purchasing agent, and such other rules and regulations as shall be prescribed by the Mayor and/or the City Council.
7. Perform such other duties and exercise such other powers as required by ordinance or prescribed by resolution of the mayor and Council.

The city administrator shall not participate in any political activity on behalf of candidates or issues involving public trust except for the casting of an individual ballot. The administrator shall be an officer of the City within the meaning of Neb. Rev. Stat. §16-502, and shall be subject to and bound by its provisions. (Ref. Neb. Rev. Stat. §16-308)

SECTION 1-217: UTILITIES SUPERINTENDENT

The utilities superintendent shall be the official who shall have the immediate charge of the sewer and water departments of the City. The utilities superintendent shall be under the direction and control of the city administrator at all times. He/she shall be appointed by the mayor in the manner of other appointed officials and may be removed by a majority vote of the City Council for any good and sufficient cause. The utilities superintendent shall have the immediate control of the water plant, pump house and machinery and appliances used in connection with producing and distributing water to inhabitants of the City and the sewerage systems of the City. The utilities superintendent shall read or cause to be read the water meters of the customers of the water department. He/she shall supervise and inspect repairs and maintenance work on the city water and sewer systems. He/she shall enforce the laws of the City relating to the water and sewer departments as well as carry out any order or directive of the city administrator. All employees under his/her direction shall obey his/her orders. The utilities superin-

tendent or his/her duly authorized agent shall have free access at proper hours of the day to all parts of each premises and building to or in which water or sewer service is furnished to examine the pipes and fixtures and ascertain whether there is any disrepair or violation of city law. (Ref. Neb. Rev. Stat. §16-308, 17-541, 17-543)

SECTION 1-218: BUILDING INSPECTOR

The building inspector is hereby authorized and directed to enforce all the provisions of the city code pertaining to building construction and repair. For such purpose, he/she shall have the powers of the city police. Whenever any building or construction work is being done contrary to the provisions of the building code, electrical code, plumbing code or gas code, it shall be the duty of the building inspector to order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Any such person shall immediately stop, or cause to be stopped, said work until authorization is received from the building inspector to continue the work. When any structure is in a dangerous condition or the building is being used contrary to the provisions of the laws of the City, the building inspector may order such use discontinued or the structure or portion thereof in violation vacated. The building inspector, acting in good faith and without malice in the discharge of his/her duties, shall not thereby render himself/herself personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of any act or omission in the discharge of his/her duties. Any suit brought against the building inspector because of an alleged act or omission performed by him/her in the enforcement of any provisions of the city codes relating to buildings or building construction shall be defended by the legal department of the City until final termination of the proceedings. The building inspector may request the assistance and cooperation of other officials of the City and shall receive the same insofar as may be necessary in the discharge of his/her duties. The inspector shall have such other additional duties and make such reports as the City Council may prescribe from time to time. (Ref. Neb. Rev. Stat. §16-308)

SECTION 1-219: ELECTRICAL INSPECTOR

The electrical inspector shall be appointed in the manner of other appointed officials and shall hold office at the pleasure of the City Council. He/she may be removed from office for cause only after a full hearing before the City Council. It shall be unlawful for the electrical inspector to engage in the business of installing or selling electrical supplies or materials, either directly or indirectly, and he/she shall have no financial interest in any concern engaged in such business at any time while he/she holds the office of electrical inspector. All records of the electrical inspector shall be filed and preserved in the office of the city clerk unless some other place is specifically provided for the keeping of such records. All records of the electrical inspector shall be public records and shall remain the property of the City at all times. The electrical inspector shall have the duty and

authority to order electrical service shut off and service disconnected during any period when the use of such service appears hazardous to the occupant of the premises served. It shall be unlawful for the owner of any premises or property to neglect or fail to properly repair or replace any defective electrical work, appliance or appurtenance to the electrical system of the City after notice to do so has been served upon said owner by the electrical inspector. When acting within the scope of his/her duties and without malice or gross negligence, the electrical inspector shall not render himself/herself personally liable for damage caused by him/her and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of any act or omission. Any suit brought against the electrical inspector because of an alleged act or omission performed by him/her in the enforcement of any provision of the city code relating to electrical work shall be defended by the legal department of the City until final termination of the proceedings. The electrical inspector may request, and shall receive insofar as may be necessary in the discharge of his/her duties, the assistance and cooperation of other officials of the City. The electrical inspector shall have the duty of inspecting and approving all connections with the city electrical system. (Ref. Neb. Rev. Stat. §16-308)

SECTION 1-220: PLUMBING INSPECTOR

The plumbing inspector shall be appointed in the manner of other appointed officials and shall hold office at the pleasure of the City Council. He/she may be removed from office for cause only after a full hearing before the City Council. It shall be unlawful for the plumbing inspector to engage in the business of installing or selling plumbing fixtures, supplies or materials, either directly or indirectly, and he/she shall have no financial interest in any concern engaged in such business at any time while he/she holds the office of plumbing inspector. All records of the plumbing inspector shall be filed and preserved in the office of the city clerk unless some other place is specifically provided for the keeping of such records. All records of the plumbing inspector shall be public records and shall remain the property of the City at all times. Whenever the plumbing inspector shall determine that any premises or property is unfit for human habitation by reason of a defective plumbing, heating, water treatment, sewage or drainage system, appliance or accessory, he/she may order the property vacated by posting a copy of his/her order of vacation in a conspicuous place on such premises and by serving a copy thereof upon every person owning or occupying such premises or property. It shall be unlawful for any person to fail or refuse to comply with such notice. The plumbing inspector shall have the duty and authority to order water and sewer service shut off and service disconnected during any period when the use of such service appears hazardous to the occupant of the premises served. It shall be unlawful for the owner of any premises or property to neglect or fail to properly repair or replace any defective plumbing or heating appliance or appurtenance to the utility systems of the City after notice to do so has been served upon said owner by the plumbing inspector. When acting within the scope of his/her duties and without malice or gross negligence, the plumbing

inspector shall not render himself/herself personally liable for damage caused by him/her and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of any act or omission. Any suit brought against the plumbing inspector because of an alleged act or omission performed by him/her in the enforcement of any provision of the city code relating to plumbing shall be defended by the legal department of the City until final termination of the proceedings. The plumbing inspector may request, and shall receive insofar as may be necessary in the discharge of his/her duties, the assistance and cooperation of other officials of the City. The plumbing inspector shall have the duty of inspecting and approving all connections with the city water and sewer systems. (Ref. Neb. Rev. Stat. §16-308)

SECTION 1-221: ZONING INSPECTOR

The zoning inspector shall be appointed in the manner of other appointed officials and shall hold office at the pleasure of the City Council. He/she shall enforce the various provisions of the city code that relating to zoning. He/she shall act in an advisory capacity to the Planning Commission. (Ref. Neb. Rev. Stat. §16-308)

SECTION 1-222: ZONING DIRECTOR

The zoning director shall be appointed in the manner of other appointed officials and shall hold office at the pleasure of the City Council. He/she shall enforce the various provisions of the city code that relating to zoning.

SECTION 1-223: CITY INSPECTOR POSITION CREATED

The appointive offices of building inspector, electrical inspector, plumbing inspector, zoning inspector and zoning director are hereby combined and merged, in accordance with the authority granted to the City Council by Section 1-202. The title for the merged office is city inspector. The 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. In addition to the official duties of the merged or combined offices, the city inspector also has the duty to view and inspect all lots and parcels of land for weeds and worthless vegetation and to view and inspect all sidewalks contiguous to public property within the City to ascertain if any snow, ice, mud or other obstructions encroach upon the sidewalks. 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.

The city inspector has the power to enforce all city ordinances which he/she has the duty to enforce. In enforcing these ordinances, the city inspector is authorized to issue citations, on oath, for any violation of these city ordinances following training on the issuance of citations. The city inspector shall not have the

power to arrest or detain any person for any alleged violation. The city inspector, or any other official authorized, is empowered to serve notices pertaining to these matters.

SECTION 1-224: (Not assigned)

SECTION 1-225 PUBLIC WORKS DIRECTOR

1. There is hereby created the Department of public works and the position of Public Works Director. The Public Works Director shall be appointed by the Mayor, and his/her appointment shall be subject to confirmation by the City Council. The Public Works Director, as a Mayoral appointee, is subject to removal only as set forth in Section 1-201. The Mayor shall set the compensation for the Public Works Director, subject to confirmation by the City Council.

2. The Public Works Director shall also be the Utilities Superintendent.

3. The Public Works Director, subject to the specific direction of the City Council through the Mayor and subject to the general supervision of the City Administrator, shall have the following duties and responsibilities:

a. to have general charge, direction, supervision and control of all improvements to and maintenance of the City's streets, sidewalks, culverts and bridges, gutters and drains, real property, buildings, cemetery, grounds, parks (with park improvements as planned by the Park Board), recreational areas, water system, and sewerage system;

b. to have general charge of the management and daily operations of the Public Works Department through the development, coordination, direction and administration of maintenance, repair and operational activities for all functions relating to public works;

c. to have general charge, direction, supervision and control of all maintenance of all City equipment;

d. to make detailed reports to the Mayor and City Council on the condition of the City's streets, sidewalks, culverts and bridges, gutters and drains, real property, buildings, parks, recreational areas, water system, and sewerage system, and equipment;

e. to issue such permits as the Mayor shall direct in implementing the policies adopted by the City Council;

f. supervise assistant public works director(s), streets, public works shop, water department, wastewater department, cemetery, proper-

ty maintenance, and administrative staff in the making of such improvements and in performing such maintenance as is set forth above;

g. oversee contractual projects with private contractors and other governmental agencies;

h. inspect and determine approval of improvements made by Sanitary and Improvement Districts (SID's) and other developments within the City's zoning jurisdiction to ensure compliance with applicable city codes and ordinances;

i. prepare and maintain all necessary and required reports and records pertaining to public works;

j. coordinate screening and interviewing of all candidates for public works jobs and make recommendations regarding hiring to the City Administrator;

k. participate in the preparation of the budget for public works, including for the water system and sewer system.

SECTION 1-226 STREET COMMISSIONER

1. There is hereby created the position of Street Commissioner. The Street Commissioner shall be appointed by the Mayor, and his/her appointment shall be subject to confirmation by the City Council. The Street Commissioner is under the immediate supervision of the City Administrator. The Mayor shall set the compensation for the Street Commissioner, subject to confirmation by the City Council.

2. The Street Commissioner shall be subject to the orders of the Mayor and City Council by resolution, and shall have general charge over the "One (1) and Six (6) Year Highway and Street Improvement Plan." (Ref. *Neb. Rev. Stat.* §16-324)