

## **CHAPTER 1 – CIVIL ADMINISTRATION**

### **ARTICLE 1 – MUNICIPAL ADMINISTRATION**

- 1-101 SEAL; OFFICIAL CORPORATE**
- 1-102 BONDS; FORM**
- 1-103 OATH OF OFFICE; CITY OFFICIALS**
- 1-104 MEETINGS; DEFINED**
- 1-105 MEETINGS; PUBLIC BODY DEFINED**
- 1-106 MEETINGS; PUBLIC; OPEN MEETINGS ACT**
- 1-107 MEETINGS; PUBLIC PARTICIPATION**
- 1-108 MEETINGS; VOTES**
- 1-109 MEETINGS; MINUTES**
- 1-110 MEETINGS; ROBERT'S RULES OF ORDER**
- 1-111 MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED**
- 1-112 MEETINGS; NOTICE TO NEWS MEDIA**
- 1-113 MEETINGS; CITY COUNCIL; NOTICE**
- 1-114 MEETINGS; CITY COUNCIL; CLOSED SESSIONS**
- 1-115 MEETINGS; CITY COUNCIL; SPECIAL MEETINGS**
- 1-116 MEETINGS; CITY COUNCIL; EMERGENCY MEETINGS**
- 1-117 MEETINGS; CITY COUNCIL; MEETING DATE; QUORUM**
- 1-118 MEETINGS; CITY COUNCIL; ORDER OF BUSINESS**
- 1-119 MEETINGS; CITY COUNCIL; CHANGE IN OFFICE**
- 1-120 MEETINGS; CITY COUNCIL; ORGANIZATIONAL**

### **ARTICLE 2 – ELECTED OFFICIALS**

- 1-201 MAYOR; SELECTION AND DUTIES**
- 1-202 CITY COUNCIL; ACTING PRESIDENT**
- 1-203 CITY COUNCIL; SELECTION AND DUTIES**
- 1-204 CITY COUNCIL; ORGANIZATION**
- 1-205 RESIGNATIONS**
- 1-206 ELECTED OFFICIALS; VACANCY**
- 1-207 MAYOR; VACANCY**
- 1-208 ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON  
OTHER EMPLOYMENT OR ELECTIVE OFFICE**
- 1-209 COMPENSATION; CITY OFFICIALS**
- 1-210 COMPENSATION; CONFLICT OF INTEREST**

### **ARTICLE 3 – APPOINTED OFFICIALS**

- 1-301 APPOINTMENT; REMOVAL**
- 1-302 MERGER OF OFFICES**
- 1-303 CLERK-TREASURER POSITION CREATED**
- 1-304 CITY CLERK**
- 1-305 CITY TREASURER**
- 1-306 TREASURER'S MONTHLY REPORT**
- 1-307 TREASURER'S ANNUAL REPORT**
- 1-308 CITY ATTORNEY**

- 1-309 CITY PHYSICIAN
- 1-310 CITY POLICE CHIEF
- 1-311 CITY POLICE
- 1-312 SPECIAL ENGINEER
- 1-313 CITY WATER COMMISSIONER
- 1-314 CITY SEWER COMMISSIONER
- 1-315 CITY STREET COMMISSIONER
- 1-316 CITY UTILITIES SUPERINTENDENT
- 1-317 CITY ADMINISTRATOR
- 1-318 CITY BUILDING INSPECTOR
- 1-319 ZONING INSPECTOR

#### **ARTICLE 4 – ORDINANCES, RESOLUTIONS AND MOTIONS**

- 1-401 ORDINANCES, RULES AND RESOLUTIONS; GRANT OF POWER
- 1-402 INTRODUCTION
- 1-403 RESOLUTIONS AND MOTIONS; PROCEDURE
- 1-404 STYLE
- 1-405 TITLE
- 1-406 ORDINANCES, RESOLUTIONS, ORDERS, BY-LAWS; READING;  
PASSAGE; MAYOR’S VETO
- 1-407 PUBLICATION OR POSTING
- 1-408 CERTIFICATE OF PUBLICATION OR POSTING
- 1-409 EFFECTIVE DATE; EMERGENCY ORDINANCES
- 1-410 AMENDMENTS AND REVISIONS

#### **ARTICLE 5 – FISCAL MANAGEMENT**

- 1-501 FISCAL YEAR
- 1-502 PROPOSED BUDGET STATEMENT; FILING
- 1-503 BUDGET HEARING
- 1-504 ADOPTED BUDGET STATEMENT; FILING
- 1-505 EXPENDITURES PRIOR TO ADOPTION OF BUDGET
- 1-506 BUDGET PROCEDURE
- 1-507 APPROPRIATIONS
- 1-508 GENERAL PROPERTY TAX
- 1-509 EXPENDITURES
- 1-510 CONTRACTS
- 1-511 ANNUAL AUDIT
- 1-512 CLAIMS
- 1-513 WARRANTS
- 1-514 TRANSFER OF FUNDS
- 1-515 SPECIAL ASSESSMENT FUND
- 1-516 SINKING FUNDS
- 1-517 GENERAL FUND
- 1-518 DEPOSIT OF FUNDS
- 1-519 INVESTMENT OF FUNDS
- 1-520 BOND ISSUES
- 1-521 DEBT COLLECTION; AUTHORITY TO CONTRACT WITH  
COLLECTION AGENCY
- 1-522 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

## **ARTICLE 6 – BOARD OF HEALTH**

### **1-601 MEMBERS; OFFICERS; DUTIES**

## **ARTICLE 7 – PARKS AND RECREATION BOARD**

### **1-701 BOARD OF PARK COMMISSIONERS**

### **1-702 OPERATION AND FUNDING**

### **1-703 INJURY TO PARK PROPERTY**

### **1-704 DESTRUCTION OF PARK ANIMALS PROHIBITED**

### **1-705 PARK HOURS; EXEMPTION**

### **1-706 FISHING REGULATIONS AT PENN LAKE**

## **ARTICLE 8 – CITY TREE BOARD**

### **1-801 CREATION AND ESTABLISHMENT**

### **1-802 TERM OF OFFICE**

### **1-803 COMPENSATION**

### **1-804 DUTIES AND RESPONSIBILITIES**

### **1-805 OPERATION**

### **1-806 DEFINITIONS**

### **1-807 STREET TREE SPECIES TO BE PLANTED**

### **1-808 SPACING**

### **1-809 DISTANCE FROM CURB AND SIDEWALK**

### **1-810 DISTANCE FROM STREET CORNERS AND FIREPLUGS**

### **1-811 UTILITIES**

### **1-812 PUBLIC TREE CARE**

### **1-813 CONSENT OF PROPERTY OWNER**

### **1-814 TREE TOPPING**

### **1-815 PRUNING; CORNER CLEARANCE**

### **1-816 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

### **1-817 REMOVAL OF STUMPS**

### **1-818 INTERFERENCE WITH CITY TREE BOARD**

### **1-819 REVIEW BY CITY COUNCIL**

### **1-820 ARBORIST'S LICENSE**

## **ARTICLE 9 – HOUSING AUTHORITY**

### **1-901 HOUSING AUTHORITY BOARD**

### **1-902 MISCONDUCT IN OFFICE**

### **1-903 REPORTS**

### **1-904 OWNERSHIP**

### **1-905 DEFINITIONS**

### **1-906 OPERATION AND MANAGEMENT**

## **ARTICLE 10 – PARK BOARD FOUNDATION**

### **1-1001 MEMBERS**

### **1-1002 BOARD AUTHORITY AND RULES**

### **1-1003 FUNDS AND BUDGET**

### **1-1004 COMPENSATION**

### **1-1005 MEETINGS AND RECORDS**

### **1-1006 CONFLICT OF INTEREST AND INVESTMENTS**

### **1-1007 TERMINATION OF BOARD**

## **ARTICLE 11 – DEVELOPMENT AGENCY**

**1-1101 CREATION**

**1-1102 POWERS AND DUTIES**

## **ARTICLE 12 – LIBRARY**

**1-1201 ESTABLISHMENT**

**1-1202 LIBRARY BOARD; DUTIES AND POWERS**

**1-1203 LIBRARY BOARD; SUBJECT TO REVIEW OF CITY COUNCIL**

**1-1204 USE OF LIBRARY FOR CITY OR SCHOOL PURPOSES;  
CONTRACTS**

**1-1205 FINANCES; LIBRARY FUNDS; HOW DISBURSED**

**1-1206 REPORTS**

**1-1207 BUDGET**

**1-1208 RECOVERY OF PENALTIES**

**1-1209 DONATIONS; RECEIPTS**

**1-1210 RULES, REGULATIONS; MUTILATING PUBLICATIONS**

## **ARTICLE 13 – POLICE DEPARTMENT**

**1-1301 DUTIES**

**1-1302 RESERVE OFFICER BOND**

**1-1303 ARREST JURISDICTION**

**1-1304 POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY;  
NOTICE AND HEARING; DETERMINATION**

## **ARTICLE 14 – CITIZENS ADVISORY REVIEW COMMITTEE**

**1-1401 APPOINTMENT OF MEMBERS**

## **ARTICLE 15 – PENAL PROVISION**

**1-1501 VIOLATION; PENALTY**

# **CHAPTER 1 – CIVIL ADMINISTRATION**

## **Article 1 – Municipal Administration**

### **SECTION 1-101: 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, "Corporate Seal, City of Neligh, 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 city clerk. (Ref. Neb. Rev. Stat. Sec. 17-502)

### **SECTION 1-102: 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 the 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/her 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.

B. No bond shall be deemed to be given or complete until approved 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 City Council.

C. 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 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. The premium on any official bond or insurance coverage 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. (Am. by Ord. No. 474, 10/9/07)

D. All official bonds meeting the conditions herein shall be filed with the city clerk for his/her official records, and it shall be the duty of the city clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the City Council.

E. 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 City 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 City Council to appoint a competent and qualified person to fill the said office.

F. Any official who is re-elected to office shall be required to file a new bond after each election.

(Ref. Neb. Rev. Stat. Sec.11-303 through 11-318, 17-604)

## **SECTION 1-103: 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."

(Ref. Neb. Rev. Stat. Sec. 11-301)

### **SECTION 1-104: MEETINGS; DEFINED**

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

### **SECTION 1-105: MEETINGS; PUBLIC BODY DEFINED**

A. "Public body" as used in this article shall mean:

1. The City Council of the City,
2. All independent boards, commissions, bureaus, committees, councils, sub-units or any other bodies, now or hereafter created by Constitution, statute, ordinance 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 a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. (Ref. Neb. Rev. Stat. Sec. 84-1409(1))

### **SECTION 1-106: MEETINGS; PUBLIC; OPEN MEETINGS ACT**

A. All public meetings as defined by law shall be held in a public building located within the City 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 transmitted to all members of the Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting and either:

1. An enumeration of the agenda subjects known at the time of the notice or
2. A statement that such an agenda, kept continually current, shall be available for public inspection at the office of the city clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The City shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Council present or absent at each convened meeting.

B. 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.

C. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor.

D. This section does not apply to chance meetings or to attendance at or travel to conventions or workshops of the City Council at which there is no meeting of the Council then intentionally convened, if there is no vote or other action taken regarding any matter over which the Council has supervision, control, jurisdiction or advisory power.

E. 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.

(Ref. Neb. Rev. Stat. Sec. 84-1408, 84-1409, 84-1411, 84-1413) (Am. by Ord. No. 458, 7/11/06)

## **SECTION 1-107: MEETINGS; PUBLIC PARTICIPATION**

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, except for closed meetings called pursuant to Section 1-108, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

B. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall, for the purpose of circumventing the provisions of this article, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

C. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the state if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Neb. Rev. Stat. Sections 84-1408 to 84-1414.

D. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

(Ref. Neb. Rev. Stat. Sec.84-1412, 18-2438)

## **SECTION 1-108: MEETINGS; 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.

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.  
(Ref. Neb. Rev. Stat. Sec.17-616, 84-1413)

## **SECTION 1-109: MEETINGS; MINUTES**

A. Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

B. 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.  
(Ref. Neb. Rev. Stat. Sec.84-1412, 84-1413)

## **SECTION 1-110: MEETINGS; ROBERT'S RULES OF ORDER**

*Robert's Rules of Order* are hereby adopted and shall govern the conduct of all meetings.

## **SECTION 1-111: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED**

A. A meeting of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or advisory committee 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 was 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.
6. Videoconferencing shall not be used to circumvent any of the public government purposes established in this article.

B. For purposes of this section, "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.

(Ref. Neb. Rev. Stat. Sec.84-1409, 84-1411)

### **SECTION 1-112: MEETINGS; 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. (Ref. Neb. Rev. Stat. Sec.84-1411)

### **SECTION 1-113: MEETINGS; CITY COUNCIL; NOTICE**

The City Council shall give reasonable advance publicized notice of the time and place of each meeting as follows:

A. Notice of regular meetings shall be given by publication for at least one week in the *Neligh News and Leader* prior to said meeting.

B. Notice of special meetings shall be given by posting in the Neligh City Office, Neligh Post Office, Pinnacle Bank and Heritage Bank at least two days prior to said meeting.

C. If possible, notice of emergency meetings shall be given by posting at the Neligh City Office, the Neligh Post Office, and the main offices of the local banks at least 24 hours prior to said meeting; however, when notice is not practical it may be dispensed with. In this event 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.

D. Notice of committee meetings shall be given by posting at the Neligh City Office, the Neligh Post Office and the main offices of the local banks at least two days prior to said meeting.

E. All such notices shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be enlarged later than 24 hours before the scheduled commencement of the meetings. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Ref. Neb. Rev. Stat. Sec. 84-1411)

### **SECTION 1-114: MEETINGS; CITY COUNCIL; CLOSED SESSIONS**

A. The Council may hold a closed session by an 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 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 the Council.

C. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the mayor shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Council shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

D. Any member of the Council 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 of the members of the Council. Such challenge and its disposition shall be recorded in the minutes.

(Neb. Rev. Stat. Sec. 84-1410) (Am. by Ord. No. 458, 7/11/06)

### **SECTION 1-115: MEETINGS; CITY COUNCIL; SPECIAL MEETINGS**

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. 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. A majority 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. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

### **SECTION 1-116: MEETINGS; CITY COUNCIL; 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 1-112 (Notice to News Media) shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Ref. Neb. Rev. Stat. Sec.84-1411)

### **SECTION 1-117: MEETINGS; CITY COUNCIL; MEETING DATE; QUORUM**

A. The City Council of the City of Neligh shall meet in regular session on the second Tuesday of each month, commencing at the hour of 7:00 P.M., for the transaction of all city business. (Am. by Ord. No. 407, 1/8/02)

B. At all meetings of the Council a majority of the members shall constitute a quorum to do business, but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business.

(Ref. Neb. Rev. Stat. Sec.17-105, 17-106)

## **SECTION 1-118: MEETINGS; CITY COUNCIL; 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 meeting place, 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 city clerk.

## **SECTION 1-119: MEETINGS; CITY COUNCIL; 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, and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same.

## **SECTION 1-120: MEETINGS; CITY COUNCIL; ORGANIZATIONAL**

A. 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 municipal 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/her candidates for appointive offices. He/she shall then proceed with the regular order of business.

B. It is hereby made the duty of each and every member of the Council, or his/her or her successor in office, and of each officer elected to any office to qualify prior to the first regular meeting in December following his/her 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/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the City and to perform faithfully and impartially the duties of his/her 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 city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

C. 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*. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 4 herein.

(Ref. Neb. Rev. Stat. Sec.17-106)

## **Article 2 – Elected Officials**

## **SECTION 1-201: MAYOR; SELECTION AND DUTIES**

A. The mayor of the City shall have the general and immediate control over all property and officials, whether elected or appointed, of the City. He/she shall preside at all meetings of the City Council and may vote when his/her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the council 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, the mayor shall have power to veto or sign any ordinance passed by the Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract or the allowance of any claim, as provided in Section 1-406 herein.

B. He/she 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 at reasonable intervals any city official 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. His/her 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/her except taxation. 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.

C. 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 qualified 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. Sec. 17-110 through 17-114, 17-117) (Am. by Ord. Nos. 562, 7/8/14; 575, 2/10/15)

## **SECTION 1-202: 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 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 body to occupy his/her 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. Sec. 17-148)

## **SECTION 1-203: CITY COUNCIL; SELECTION AND DUTIES**

The members of the City Council shall be elected and serve for a four year term. 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. Sec. 17-103, 17-104)

#### **SECTION 1-204: 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 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. (Ref. Neb. Rev. Stat. Sec. 17-104, 19-613)

#### **SECTION 1-205: RESIGNATIONS**

All resignations of the mayor and City Council members shall be in writing and submitted to the Council for acceptance. Resignations shall not be effective until accepted by formal action of the Council. No resignations shall be accepted unless a quorum for conducting business will remain after such acceptance of such resignation.

#### **SECTION 1-206: ELECTED OFFICIALS; VACANCY**

A. Except as otherwise provided in subsection (C) or (D) of this section, vacancies in elected offices shall be filled by the City Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the City 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.

B. The mayor shall call a special meeting of the City Council or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The City Council shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the mayor shall continue at such meeting to submit the names of qualified registered voters in nomination and the City Council shall continue to vote upon such nominations at such meeting until the vacancy is filled. All council members present shall cast a ballot for or against the nominee. Any member of the City Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if such person were elected.

C. The City Council may, in lieu of filling a vacancy in the elected office as provided

in subsection (A) or (B) of this section or subsection (3) of Neb. Rev. Stat. §32-568, call a special city election to fill such vacancy.

D. If vacancies exist in the offices of a majority of the members of the City Council, the secretary of state shall conduct a special election to fill such vacancies.

(Ref. Neb. Rev. Stat. Sec. 17-212, 32-568, 32-569) (Am. by Ord. No. 463, 10/10/06)

## **SECTION 1-207: MAYOR; VACANCY**

A. 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.

B. 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.

C. 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 1-306.

(Ref. Neb. Rev. Stat. Sec. 17-107)

## **SECTION 1-208: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE**

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

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

C. For purposes of this section:

“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

“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.

D. 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 file 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 write-in candidate for more than one elective office to be filled at the same election.

E. Except as provided in subsection (F) or (H) 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.

F. 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.

G. 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.

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

I. Notwithstanding subsections (F) through (H) 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. Sec. 17-108.02, 32-109, 32-603, 32-604)

## **SECTION 1-209: 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, 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. He/she 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. Sec. 17-108.02, 17-612)

## **SECTION 1-210: COMPENSATION; CONFLICT OF INTEREST**

A. For purposes of this section, "officer" shall mean:

1. Any member of any board or commission of the City,
2. Any appointed official if such city official (a) serves on a board or commission which spends and administers its own funds and (b) is dealing with a contract made by such board or commission, or
3. 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.

B. 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 or her parent, spouse, or child:

1. Has a business with which the individual is associated or business association, which shall mean a business (a) in which the individual is a partner, director, or officer or (b) 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
2. 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.

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

1. Makes a declaration on the record to the City Council responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;
2. Does not vote on the matter of granting the contract, except that if the number of members of the Board declaring an interest in the contract would prevent the Board, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
3. Does not act for the City as to inspection or performance under the contract in which he or she has an interest.

D. 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 (C) (1) through (3) 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 or she hires his or 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.

E. 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 (C) (1) through (3) 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 the:

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

F. 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.

G. 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.

H. Any officer who knowingly violates the provisions of Sections 49-14,103.01 through 49-14,103.03 RS Neb., 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.

I. 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.

J. No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the City other than his or 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. Sec. 17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04)

## **Article 3 – Appointed Officials**

### **SECTION 1-301: APPOINTMENT; REMOVAL**

A. 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 such 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.

B. All police officers and other appointed officials may be removed at any time by

the mayor, 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 vote of the City Council. Removal of police officers may be appealed pursuant to Section 1-3304. (Ref. Neb. Rev. Stat. Sec. 17-107, 17-541)

### **SECTION 1-302: 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 offices or employments, except mayor and Council member, with any other elective or appointive office or employment so that one or more such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. The offices or employments 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 offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Ref. Neb. Rev. Stat. Sec. 17-108.02)

### **SECTION 1-303: CLERK-TREASURER POSITION CREATED**

A. 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 1-302.

B. 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.

### **SECTION 1-304: CITY CLERK**

A. The city clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. He or she shall make, at the end of the fiscal year, a report of the business of the City transacted through his or her office for the year. He or she shall make the proper certificate of passage which shall be attached to original copies of all ordinances hereafter enacted by the City Council.

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

C. The city clerk shall permit no records, public papers or other documents of the City kept and preserved in his or her 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 or 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 or she shall include as part of his or 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 or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings

made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds, 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 or 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 at all reasonable times.

D. The city clerk shall deliver all warrants, ordinances and resolutions under his or her charge to the mayor for his or her signature. He or 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 or 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 or 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.

E. The city clerk shall receive all objections to creation of paving districts and other street improvements. He or 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.

F. The city clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the City Council. He or she shall destroy city records under the direction of the State Records Board pursuant to Neb. Rev. Stat. 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. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712) (Am. by Ord. No. 563, 7/8/14)

## **SECTION 1-305: CITY TREASURER**

A. The treasurer of the city shall be the custodian of all money belonging to the corporation, keeping 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, and he or she 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, which warrants, with any and all vouchers held, shall be filed with his or her account in the clerk's office. If the treasurer fails to render an account within 20 days after the end of the month or by a later date established by the City Council, the mayor, with the advice and consent of the council members, may use this failure as cause to remove the treasurer from office.

B. The treasurer shall keep a record of all outstanding bonds against the city, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. He or she shall accompany the annual statement submitted pursuant to Neb. Rev. Stat. §19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

C. The 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 a board of public works, or as any other officer of such municipality shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. 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.

D. The 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 or guaranteed 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 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.

E. When the treasurer holds funds of the city in excess of the amount required for maintenance or set aside for betterments and improvements, the mayor and council may, by resolution, direct and authorize said treasurer to invest said surplus funds in the outstanding bonds or registered warrants of said city, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which said bonds or warrants were purchased.

F. The mayor and council may, by resolution, direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale

of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the city. (Ref. Neb. Rev. Stat. §17-606 through 17-609) (Am. by Ord. No. 563, 7/8/14)

**SECTION 1-306: TREASURER'S MONTHLY REPORT** (Repealed by Ord. No. 563, 7/8/14)

**SECTION 1-307: TREASURER'S ANNUAL REPORT**

The treasurer of the City shall prepare and publish annually within 60 days after the close of its municipal fiscal year a statement of the receipts and expenditures of funds of the City for the preceding fiscal year. The statement shall also include the information required by Neb. Rev. Stat. §16-318(3) or Neb. Rev. Stat. §17-606(2). Not more than the legal rate provided for in Neb. Rev. Stat. §33-141 shall be charged and paid for such publication. (Ref. Neb. Rev. Stat. Sec. 19-1101) (Am. by Ord. No. 563, 7/8/14)

**SECTION 1-308: 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 writings 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, and attach thereto a brief statement in writing to all such instruments and documents as to whether or not the document is in legal and proper form. 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, when requested to do so by the City Council, the ordinance records, and 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, and subsisting local laws in so far as their passage and approval are concerned. 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. Sec. 17-610)

**SECTION 1-309: CITY PHYSICIAN**

The city physician shall be a member of the Board of Health of the City, and perform the duties devolving upon him/her 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/she shall then report the results of his/her investigation with the name of the party injured and all other persons who may have personal knowledge of the matter. He/she 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/she shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the City. He/she shall perform such other duties as may be required of him/her by the laws of the State of Nebraska and the ordinances of the City. When ordered to do so by the City Council, he/she 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 City Council. The city physician shall receive as compensation for his/her services such sum as the City Council may from time to time set. He/she shall receive no compensation for his/her services as a member of the Board of Health. (Ref. Neb. Rev. Stat. Sec. 17-121)

### **SECTION 1-310: 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. He/she shall, when requested to do so, 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. (Ref. Neb. Rev. Stat. Sec. 17-107, 17-121) (See also Police Department, Article 13 in this chapter)

### **SECTION 1-311: CITY POLICE**

A. 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. They 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. Every city policeman shall be expected to be conversant and knowledgeable with the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police 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.

B. Any city policeman 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. It shall be unlawful for the City Council to retain any city policeman 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.

C. It shall be the duty of every city policeman 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. 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.

D. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

(Ref. Neb. Rev. Stat. Sec. 17-118, 17-124)

### **SECTION 1-312: 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/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. Sec. 17-405, 17-568, 17-568.01, 17-919)

### **SECTION 1-313: CITY WATER COMMISSIONER**

The water commissioner 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 water commissioner shall be subject to the general directives and control of the City Council. The water commissioner shall have the general control and supervisory authority over all employees of the water system which the City Council may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he/she 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 city treasurer for the depository evidence of his/her faithful discharge of this duty. This receipt shall then be filed with the city clerk, and the second copy shall be kept by the said commissioner. He/she 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/she 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 commissioner. The water commissioner, who may be removed at any time by the City Council by a two-thirds vote, shall provide a bond conditioned upon the faithful discharge of his/her 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. The water commissioner shall perform such additional duties as may be prescribed by the City Council. (Ref. Neb. Rev. Stat. Sec. 17-107, 17-541, 17-543)

### **SECTION 1-314: CITY SEWER COMMISSIONER**

A. The sewer commissioner 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/she shall, when requested by the mayor and City Council, make a detailed report to the City Council on the condition of the sewer system, and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed along with an estimate of the cost thereof. He/she shall have such other duties as the City Council may delegate to him/her. He/she shall issue permits for all connections to the city sewer system, and inspect and supervise all repairs made to the said system.

B. In the absence of a specific appointment by the mayor, the water commissioner is hereby designated to be the sewer commissioner.

### **SECTION 1-315: CITY STREET COMMISSIONER**

The street commissioner 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 City Council may require. It shall be his/her responsibility to see that gutters and drains therein function properly, and that the same are kept in good repair. He/she shall, at the request of the City Council, make a detailed report to the City Council on the condition of the streets, sidewalks, culverts, alleys and bridges of the City, and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. He/she shall issue such permits and assume such other duties as the City Council may direct. (Ref. Neb. Rev. Stat. Sec. 17-107, 17-119, 17-214)

### **SECTION 1-316: CITY UTILITIES SUPERINTENDENT**

A utilities superintendent may 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 one or more of the said city utilities. The utilities superintendent may be removed for good cause by a two-thirds vote of the City Council, and 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. (Ref. Neb. Rev. Stat. Sec. 17-541)

### **SECTION 1-317: CITY ADMINISTRATOR**

In the event the mayor and City Council decide to retain a city administrator, said city administrator shall be appointed by the mayor with the consent of the Council. The administrator shall be under the supervision and direction of the mayor at all times. The city administrator shall have the immediate supervision over the treasurer, clerk, building inspector, plumbing inspector, electrical inspector, sewer, water and sanitation commissioners of the City in addition to such other officials as the City Council may prescribe. He/she shall have no direction or supervision over any officer, department or board whose duties are prescribed by state statute. He/she shall be ex officio member of all boards and committees for liaison purposes. He/she shall make and keep current an inventory of all real property and all major items of equipment owned by the City. He/she shall also supervise the purchasing program. He/she shall supervise through the department head the day-to-day operation of the electric, water, sewer, city clerk, streets, sanitation, auto maintenance and park departments. All employees under his/her direction shall obey his/her orders. Such supervision shall not extend to unilateral action on construction or purchase of equipment. He/she shall be responsible for the preparation of the annual budget estimated for presentation to the mayor and City Council prior to the passage of the annual appropriation ordinance. He/she shall serve as public relations officer of the City and shall endeavor to adjust all complaints filed against any employee, department, division or service and shall cooperate with community organizations whose aim and purpose is to advance the best interests of the City. He/she shall attend all meetings of the Council and shall have the duty of reporting any matter concerning city affairs under his/her supervision. He/she shall analyze the functions, duties and activities of various departments, divisions and services of the City and of all employees thereof and to make his/her recommendations to the mayor. He/she shall thereafter carry out the mayor's recommendations in coordinating the administrative functions and operations of the various departments. He/she shall procure facts and submit suggested long-range improvements



to the City Council. He/she shall maintain such records and prepare such reports as may be required to perform his/her duties and shall act as the agent of the mayor in the discharge of his/her duties. He/she shall have no independent power to exercise any policy making or legislative functions whatsoever, nor commit or bind the City Council to any plan, action or program requiring official action by the City Council. The professional services of the city administrator may also be available to neighboring communities on a time basis and by mutual agreement between administrator and the City Council, with due consideration of any sharing agreement between two or more City Council. (Ref. Neb. Rev. Stat. Sec. 17-107)

### **SECTION 1-318: CITY BUILDING INSPECTOR**

The City may appoint a building inspector, and if such appointment is made he/she shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with the city ordinances. He/she shall investigate all complaints whether they are verbal, written, or in the form of a petition alleging and charging that a violation of the 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/herself to enter, inspect, survey, and investigate between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists, or if requested by the owner or occupant thereof. He/she shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection, and he/she 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/she is the owner of a building, and he/she 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 they may deem necessary, and shall have such other duties and issue such permits as they may direct. The building inspector may be removed at any time for good and sufficient cause by the City Council.

### **SECTION 1-319: ZONING INSPECTOR**

The mayor may appoint a zoning inspector. In the absence of a specific appointment by the mayor, the building inspector is hereby designated as zoning inspector.

## **Article 4 – Ordinances, Resolutions and Motions**

### **SECTION 1-401: ORDINANCES, RULES, AND RESOLUTIONS; GRANT OF POWER**

The City Council may make all ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the laws of the State of Nebraska, as may be expedient for maintaining the peace, good government and welfare of the City and its trade, commerce and manufacturing. (Ref. Neb. Rev. Stat. Sec.17-505)

### **SECTION 1-402: INTRODUCTION**

A. Ordinances and resolutions may be introduced by any member of the City Council. Such introduction shall be followed by a reading by title of such ordinance or resolution by the city attorney.

B. The Council may immediately consider passage of any ordinance and proceed

to do so pursuant to Section 1-406 set forth hereafter or may, by majority vote, table consideration of the ordinance until a later date.

C. Resolutions, once introduced, may be immediately acted upon by vote of the City Council or may, by motion and majority vote of the Council, be tabled for later consideration.

### **SECTION 1-403: RESOLUTIONS AND MOTIONS; PROCEDURE**

A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

### **SECTION 1-404: STYLE**

The style of all city ordinances shall be: "Be it ordained by the mayor and Council of the City of Neligh, Nebraska:" (Ref. Neb. Rev. Stat. Sec.17-613)

### **SECTION 1-405: TITLE**

No ordinance shall contain a subject not clearly expressed in its title. (Ref. Neb. Rev. Stat. Sec.17-614)

### **SECTION 1-406: ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS; READING; PASSAGE; MAYOR'S VETO**

A. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinances shall be read by title and then moved for final passage. Three-fourths of the council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

B. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council or board of trustees. The mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council. The city clerk shall record the yeas and nays of all votes taken and the names of the council members, and how they voted on each issue.

C. The mayor shall have power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it and it shall become effective. If the mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the City Council, stating that the measure is vetoed. The mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the mayor issues the veto after the meeting, he or she shall notify the city clerk of the veto in writing. The clerk shall notify the City Council in writing of the mayor's veto.

D. Any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the mayor may be passed over his or her

veto by a vote of two-thirds of the members of the council. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The mayor may veto any item or items of any appropriation bill or any claims bill and approve the remainder thereof, and the item or items vetoed may be passed by the council over the veto as in other cases.

(Ref. Neb. Rev. Stat. §17-614, 17-616) (Am. by Ord. Nos. 562, 7/8/14/ 575, 2/10/15)

#### **SECTION 1-407: PUBLICATION OR POSTING**

All ordinances of a general nature shall be published one time within 15 days after they are passed in some newspaper published in the City or, if no paper is published in the City, then by posting a written or printed copy in each of three public places in the City. (Ref. Neb. Rev. Stat. Sec.17-613)

#### **SECTION 1-408: CERTIFICATE OF PUBLICATION OR POSTING**

The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the City from the city clerk showing that the said ordinance was passed and approved, and when and in what paper the same was published, or when, by whom and where the same was posted. (Ref. Neb. Rev. Stat. Sec.17-613)

#### **SECTION 1-409: EFFECTIVE DATE; EMERGENCY ORDINANCES**

A. Except as provided in subsection (B) of this section, an ordinance for the government of the City which has been adopted by the City Council without submission to the voters of the City shall not go into effect until published as required by Nebraska law.

B. In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the mayor and the posting thereof in at least three of the most public places in the City. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the City Council, and be entered of record on the city clerk's minutes.

(Ref. Neb. Rev. Stat. Sec.17-613, 19-3701)

#### **SECTION 1-410: AMENDMENTS AND REVISIONS**

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the City and modifications to zoning or building districts may be adopted as otherwise provided by law. (Ref. Neb. Rev. Stat. Sec.17-614)

### **Article 5 – Fiscal Management**

#### **SECTION 1-501: 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 Municipal Proprietary Function Act. (Ref. Neb. Rev. Stat. Sec. 17-701)

## **SECTION 1-502: PROPOSED BUDGET STATEMENT; FILING**

A. The City Council shall, not later than the first day of August of each year, on forms prescribed and furnished by the Nebraska state auditor, prepare in writing and file with the city clerk a proposed budget statement containing the following:

1. For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;
2. For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable.
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources, other than revenue to be received from taxation, separately stated as to each such source to be allocated to each of the several funds, and for each fund: 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 which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal 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 if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Municipal Proprietary Function Act.

B. The actual or estimated unencumbered cash balance of each fund 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 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 other than taxation shall equal the amount

to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation, as determined above, plus the estimated revenue from sources other than taxation and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Ref. Neb. Rev. Stat. Sec. 13-504, 13-505)

### **SECTION 1-503: BUDGET HEARING**

Subsequent to the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. 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. (Ref. Neb. Rev. Stat. Sec. 13-506)

### **SECTION 1-504: ADOPTED BUDGET STATEMENT; FILING**

The City Council shall file with and certify to the levying board on or before September 20 of each year, and file with the Nebraska state auditor, a copy of the adopted budget statement, together with the amount of tax to be levied, setting out separately the amount to be levied for the payment of principal or interest on bonds issued by the City Council and the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The Council shall not certify any tax that exceeds the maximum levy prescribed by state law, except that in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Ref. Neb. Rev. Stat. Sec. 13-508)

### **SECTION 1-505: EXPENDITURES PRIOR TO ADOPTION OF BUDGET**

A. On and after the first day of its fiscal year 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) above 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 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.

(Ref. Neb. Rev. Stat. Sec. 13-509.01, 13-509.02)

### **SECTION 1-506: 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.

### **SECTION 1-507: APPROPRIATIONS**

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. (Ref. Neb. Rev. Stat. Sec. 17-706)

### **SECTION 1-508: GENERAL PROPERTY TAX**

The City Council shall cause to be certified to the county clerk the amount of tax to be levied upon the assessed value of all the taxable property of the City for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by state law. (Ref. Neb. Rev. Stat. Sec. 17-702)

### **SECTION 1-509: 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. (Ref. Neb. Rev. Stat. Sec. 17-708)

### **SECTION 1-510: CONTRACTS**

A. The City Council shall, before making any contract in excess of \$20,000.00 as estimated by the city engineer for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, advertise for bids. In advertising for bids for any such work or for the purchase of such equipment, the City Council may cause the amount of such estimate to be published therewith.

B. Such advertisement shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the City, or by posting a written or printed copy thereof in each of three public places in the City; provided that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, 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, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the City Council.

C. If, after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract for services, material or labor, or if the bids received by the City Council contain a price which exceeds the estimated cost of the project, the City Council shall have the authority to negotiate a contract for services, material or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

D. If the materials are of such a nature that, in the opinion of the manufacturer and

with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing city, the City Council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

E. The city bidding procedure shall be waived 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.

(Ref. Neb. Rev. Stat. Sec. 17-568.01, 17-613)

### **SECTION 1-511: ANNUAL AUDIT**

The City Council shall cause an audit of the city accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. 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 City 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, and 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 and shall become a part of the public records of the city 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. (Ref. Neb. Rev. Stat. Sec. 19-2901 through 19-2909)

### **SECTION 1-512: 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 City 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% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided that in the event there exists 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%, but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Ref. Neb. Rev. Stat. Sec. 17-714, 17-715)

### **SECTION 1-513: 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. (Ref. Neb. Rev. Stat. Sec. 17-711)

## **SECTION 1-514: TRANSFER OF FUNDS**

The City Council may, whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget and the approval by the City Council, the Council shall file with the county clerk and the Nebraska State Auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants," and shall be repaid during the next fiscal year from funds derived from taxes levied therefor. (Ref. Neb. Rev. Stat. Sec. 13-510, 13-511)

## **SECTION 1-515: 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. (Ref. Neb. Rev. Stat. Sec. 17-710)

## **SECTION 1-516: SINKING FUNDS**

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. 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. 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% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund. (Ref. Neb. Rev. Stat. Sec. 19-1301 through 19-1304, 77-2337, 77-2339)

### **SECTION 1-517: GENERAL FUND**

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the General Fund.

### **SECTION 1-518: DEPOSIT OF FUNDS**

The City Council, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the city treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the City meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them, and the city treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (Ref. Neb. Rev. Stat. Sec. 17-607, 77-2362 through 77-2364)

### **SECTION 1-519: INVESTMENT OF FUNDS**

Whenever a city has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the City Council of such city may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Ref. Neb. Rev. Stat. Sec. 17-608, 17-609, 72-1259, 77-2341)

### **SECTION 1-520: 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. (Ref. Neb. Rev. Stat. Sec. 10-201 through 10-411, 10-606 through 10-612, 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, 23-3513, 39-836)

### **SECTION 1-521: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY**

A. The City may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. Sec. 45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the City.

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless:

1. There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last-known address of the debtor, of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid and
2. At least 30 days have elapsed from the time the notice was sent.

C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

D. For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Ref. Neb. Rev. Stat. Sec. 45-623)

## **SECTION 1-522: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE**

A. The City shall collect the special assessments which it levies and perform all other necessary functions related thereto, including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments and any interest or penalties accrued thereon.

B. The City shall (1) file notice of the assessments and the amount of assessment being levied for each lot or tract of land to the Register of Deeds; and (2) file a release of assessment upon final payment of each assessment with the Register of Deeds. (Ref. Neb. Rev. Stat. Sec. 18-1216)

## **Article 6 – Board of Health**

### **SECTION 1-601: MEMBERS; OFFICERS; DUTIES**

A. The City Council shall appoint a Board of Health which shall consist of four members. The members of the Board shall include the mayor, who shall serve as chairperson, the President of the City Council, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. The final member shall be the chief of police, who shall serve on the Board as secretary and quarantine officer. The members of the Board shall serve, without compensation, a one year term of office, unless reappointed, and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one Board of Health position.

B. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the City Council from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the City Council may

designate. Special meetings may be held upon the call of the chairperson or any two members of the Board.

C. The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the City. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress and prevent the occurrence of nuisances and enforce all laws of the State of Nebraska and ordinances of the City relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(Ref. Neb. Rev. Stat. Sec. 17-121)

## **Article 7 – Parks and Recreation Board**

### **SECTION 1-701: BOARD OF PARK COMMISSIONERS**

A. The mayor, with the consent and approval of the City Council, shall appoint the Board of Park Commissioners. The Board shall consist of not less than five members, who shall be residents of the City. The members of the Board shall serve a three-year term of office unless reappointed. The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Park Commission while serving a term of office as a member of the City Council.

B. At the time of the Board's first meeting following the last Tuesday in December of each year, the Board shall organize by selecting from their number a chairperson and a co-chairperson. A secretary shall be selected from either the membership, or the city employees. No member of the Park Commission shall serve in the capacity of both chairman and secretary of the Board. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman, or any two of the Board members.

C. It shall be the duty of the Board to take the immediate charge of all parks and recreational facilities belonging to the City. The Board shall establish appropriate rules and regulations for the management, use and operation of the same. All employees of the City doing work in or for the city park shall be under the supervision and direction of the city superintendent. All actions of the Board shall be subject to the review and control of the City Council. The Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(Ref. Neb. Rev. Stat. Sec. 17-952)

### **SECTION 1-702: OPERATION AND FUNDING**

The City owns and operates the city parks and other recreational areas through the Board of Park Commissioners. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the city parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real

estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be placed into the General Fund and shall remain in the custody of the city clerk/treasurer. Monies so levied and collected will be set aside by the City Council in the city budget for operation and maintenance of the city parks and this will be known as the Park Fund. The Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The Board shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement. (Ref. Neb. Rev. Stat. Sec. 17-948 through 17-952)

### **SECTION 1-703: INJURY TO PARK PROPERTY**

It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy any tree, plant or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Ref. Neb. Rev. Stat. Sec. 17-949)

### **SECTION 1-704: DESTRUCTION OF PARK ANIMALS PROHIBITED**

No person shall injure or kill any animal or bird in any park belonging to the City.

### **SECTION 1-705: PARK HOURS; EXEMPTION**

It is hereby determined unlawful for any person to be physically present in any city-operated municipal park between the hours of 11:00 P.M. and 4:00 A.M. on any day of the week. All parties occupying the city park system as campers and who have previously registered with the Neligh Police Department shall be exempt from the terms of this section.

### **SECTION 1-706: FISHING REGULATIONS AT PENN LAKE**

A. Fishing is permitted from the bank or from non-motor powered boats or fishing platforms.

B. The daily limit for bass shall be one, but such fish shall measure not less than 21 inches in length. All bass caught which are less than 21 inches in length shall be returned promptly to the lake in order to assure their survival.

C. There is no limit on the daily catch of any fish other than bass.

D. The City's Police Department shall cause proper signs to be made, erected and maintained setting forth the catch limits as stated herein.

## **Article 8 – City Tree Board**

### **SECTION 1-801: CREATION AND ESTABLISHMENT OF A CITY TREE BOARD**

There is hereby created and established a Tree Board for the City, which shall consist of five members, citizens and residents of this City, who shall be appointed by the mayor with the approval of the City Council. In the event that a vacancy shall occur during the

term of any member, his/her successor shall be appointed by the mayor with the approval of the City Council for the unexpired term.

#### **SECTION 1-802: TERM OF OFFICE**

The term of the five persons to be appointed by the mayor with the approval of the City Council shall be three years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

#### **SECTION 1-803: COMPENSATION**

Members of the Tree Board shall serve without compensation.

#### **SECTION 1-804: DUTIES AND RESPONSIBILITIES**

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City. The Tree Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

#### **SECTION 1-805: OPERATION**

The Tree Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

#### **SECTION 1-806: DEFINITIONS**

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways with the City.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

#### **SECTION 1-807: STREET TREE SPECIES TO BE PLANTED**

The tree list adopted by the Tree Board and published by them constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

#### **SECTION 1-808: SPACING**

The spacing of street trees will be in accordance with the three species size classes listed in the tree list and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

## **SECTION 1-809: DISTANCE FROM CURB AND SIDEWALK**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the tree list and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet; Medium trees, three feet; and Large trees, four feet.

## **SECTION 1-810: DISTANCE FROM STREET CORNERS AND FIREPLUGS**

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplug.

## **SECTION 1-811: UTILITIES**

No street trees other than those species listed as small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

## **SECTION 1-812: PUBLIC TREE CARE**

The City shall have the right to plant, subject to Section 1-813 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

## **SECTION 1-813: CONSENT OF PROPERTY OWNER**

The City Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official tree board records.

## **SECTION 1-814: TREE TOPPING**

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the City Tree Board.

## **SECTION 1-815: PRUNING; CORNER CLEARANCE**

Every owner of any tree overhanging any street or right of way within the City shall prune the branches, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

## **SECTION 1-816: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

All trees that in a diseased, dying or dead condition are declared to be a public nuisance

and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the City Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove the said tree or trees. In the event that the owner is a nonresident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address is known. The person charged with the removal may enter into an agreement with the City that such work be accomplished by the City, and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement, or to remove the trees, the City Tree Board may enter upon the property and proceed to direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. In the event the property owner is a non-resident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

#### **SECTION 1-817: REMOVAL OF STUMPS**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### **SECTION 1-818: INTERFERENCE WITH CITY TREE BOARD**

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

#### **SECTION 1-819: REVIEW BY CITY COUNCIL**

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the Council, who may hear the matter and make a final decision.

#### **SECTION 1-820: ARBORIST'S LICENSE**

A. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

B. If no written complaints are on file with the city clerk since the last renewal period in reference to the work of the applicant, all licenses for arborists shall be renewed without

City Council approval so long as all bonding and other requirements for renewal are complied with.

C. In the event that any written complaints have been filed with the city clerk in regard to the work of any city-licensed arborist within the last license period, no license shall be renewed by the city clerk until such complaints have been considered and application for license renewal has been approved by the City Council.

(Am. by Ord. No. 404, 11/13/01)

## **Article 9 – Housing Authority**

### **SECTION 1-901: HOUSING AUTHORITY BOARD**

A. The City Council shall appoint five persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One Commissioner shall be appointed each year. Each Commissioner shall serve a five-year term of office or until his/her successor is duly appointed; provided that all vacancies shall be filled for the unexpired terms. No person shall serve as a Commissioner unless he or she resides within the area of operation of that Housing Authority. A certificate of the appointment or reappointment of any Commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his/her services, but he/she shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his/her duties.

B. A majority of Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of the majority of the Commissioners present, unless in any case the bylaws of the Authority shall require a larger number. The Commissioners shall elect a chairman and vice-chairman from among the Commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary of the Authority.

C. The Authority may also employ legal counsel, or it may call upon the chief law officer of the City, for such services as it may require. It may employ technical experts and such other officers, agents and employees as it may require and shall determine their qualifications, duties, compensations and terms of office. The Authority may delegate such other powers and duties to its agents or employees as it may deem proper.

D. During his/her tenure, and for one year thereafter, no commissioner, officer or employee of the Municipal Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he/she shall immediately disclose his/her interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority and he/she shall not participate in any action by the Authority relating to the property or contract in which he/she has any such interest; provided that nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any



trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

E. The mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The mayor shall send a notice of removal to such Commissioner which notice shall contain a statement containing the charges against him/her. Unless within ten days from the receipt of such notice such Commissioner files with the clerk a request for a hearing before the City Council, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the clerk, the City Council of the City shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his/her position.

#### **SECTION 1-902: MISCONDUCT IN OFFICE**

Misconduct in office shall apply to the Housing Authority Commissioners, the Executive Director and all other employees. Such officials and employees shall not engage in any political activities on Housing Authority property nor make any political statements to any residents of such Housing Authority. To engage in such political activities or make such political statement shall be grounds for immediate removal of any official and dismissal of any employee engaging in such conduct.

#### **SECTION 1-903: REPORTS**

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information. (Ref. Neb. Rev. Stat. Sec. 71-1572 through 71-1578)

#### **SECTION 1-904: OWNERSHIP**

The Housing Authority is owned by the City and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law. (Ref. Neb. Rev. Stat. Sec. 71-1572 through 71-1578)

#### **SECTION 1-905: DEFINITIONS**

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska Statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended. (Ref. Neb. Rev. Stat. Sec. 71-1572 through 71-1578)

#### **SECTION 1-906: OPERATION AND MANAGEMENT**

The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

A. It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need.

B. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin or ancestry.

C. The Authority shall not accept any person as a tenant in any dwelling in the housing project if the persons who occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure, safe, sanitary and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.

D. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.

E. The Authority shall fix income limits for occupancy and rents after taking into consideration:

1. The family size, composition, age, physical handicaps, and other factors which might affect the rent paying ability of the person.
2. The economic factors which affect the financial stability and solvency of the project.

F. The Authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as a tenant or tenants of the Authority for more than a period of six months unless such persons also qualify as persons of low income, elderly or handicapped persons of low income.

G. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this Article and the Authority may establish rules and regulations consistent with the purposes of this Article concerning eligibility and occupancy of the housing project or other such shelter.

H. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal and employment history of any tenant or prospective tenant.

I. The Authority shall prohibit subletting by tenants.

J. The Authority may establish from time to time rules and regulations consistent with federal and state laws and regulations and the purposes of this article concerning the termination of tenancy. Any tenant so terminated shall be sent a written notice of termination setting out the reasons for such termination and any tenant served with a notice shall be given the opportunity to contest the termination in an appropriate hearing, except that tenants who have created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees need not be given such a hearing by the Authority. Such notice may provide that if the tenant fails to pay his or her rent or comply with any covenant or condition of his or her lease or the rules and regulations of such Authority, or cure a violation or default thereof, as the case may be, as specified in such notice, or follow the procedure for a hearing as set forth in the notice, all within the time or times set forth in such notice, the tenancy shall then be automatically terminated and no other notice or notices need be given of such termination or the intent to terminate the tenancy, and upon such termination and without any notice other than as provided for in this section, the Authority may file suit against any tenant for recovery of possession of the premises and may recover the same as provided by law.

K. The Authority may establish from time to time rules and regulations consistent with the purposes of this article concerning personal property of tenants and other persons located in projects of the Authority, and if such personal property is not removed from a dwelling unit at the time of the termination of the lease, at the time of vacation or abandonment of the dwelling unit, or at the time of the death of any tenant, then the Authority may remove the same and store such property at the tenant's risk and expense. In the event that possession of such personal property is not taken by the tenant or other person authorized by law to take possession within 45 days after such termination, vacation or abandonment, and any storage removal charges remain unpaid, then the Authority may, at its option, dispose of the personal property in any manner which the Authority deems fit, except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the Authority. No tenant or other person shall have any cause of action against the Authority for such removal or disposition of such personal property.

(Ref. Neb. Rev. Stat. Sec. 71-1572 through 71-1578)

## **Article 10 – Park Board Foundation**

### **SECTION 1-1001: MEMBERS**

The mayor, subject to the approval of the City Council, shall appoint three members to serve a three-year term on the Park Board Foundation. Such members shall be residents of the City. One member shall be from the City Council, one member from the park department and one member at large. In the event that the member from the City Council or Park Board shall cease to be a member of such Council or Board respectively, their office as a member of the Park Board Foundation shall also cease and terminate. The mayor, subject to the approval of the City Council, shall appoint a new member to fill such vacancies.

### **SECTION 1-1002: BOARD AUTHORITY AND RULES**

Said Neligh Park Board Foundation shall have complete charge and control over all gifts, bequests and other sums donated to the city park department and shall manage, invest and reinvest such funds and distribute the same for the benefit of the Neligh park systems in their complete and absolute discretion and pursuant to the terms of such bequests and gifts. Such Foundation shall give a complete report of its investment and disbursement activities to the mayor and City Council at their annual June meeting of each year, which report shall be approved by the mayor and City Council.

### **SECTION 1-1003: FUNDS AND BUDGET**

All funds received or hereafter received for the benefit of the City of Neligh park system shall be paid to the Neligh Park Board Foundation to be administered by them pursuant to the terms of the bequest and shall not become part of the regular park department budget for accounting purposes. The Park Board Foundation shall submit to the mayor and City Council at the Council's regular June meeting annually a proposed expenditure of funds for the fiscal year commencing at the beginning of the next city fiscal year.

### **SECTION 1-1004: COMPENSATION**

The members of the Park Board Foundation shall receive no compensation for their services on said Foundation.

## **SECTION 1-1005: MEETINGS AND RECORDS**

The members of the Park Board Foundation shall elect a chairperson and secretary at the first meeting in December of each year. In the absence of the regular officers, temporary officers to serve in their place may be chosen by the members if present at such meeting. The Park Board Foundation shall establish regular times for meeting and may adopt such rules as may be necessary or desirable for the conduct of their business. They shall keep a record of their proceedings and such records shall be maintained at the city clerk's office and shall be available for inspection by the general public during regular city business hours.

## **SECTION 1-1006: CONFLICT OF INTEREST AND INVESTMENTS**

No member of the Park Board Foundation shall ever be financially interested directly or indirectly in any contract entered into by him or her or on behalf of the City. The Park Board Foundation is hereby granted the power and authority to invest and reinvest any and all funds received by it and/or authorize the expenditure of interest or principal or both for any park improvement project they determine necessary or desirable.

## **SECTION 1-1007: TERMINATION OF BOARD**

In the event that there exists no funds to administered by the Park Board Foundation, the Foundation shall cease to exist and all records and books maintained by the Park Board Foundation shall be relinquished to the city clerk to become part of the permanent city clerk's records.

# **Article 11 – Development Agency**

## **SECTION 1-1101: CREATION**

There is hereby created the Development Agency of the City of Neligh and it shall be legally known as such. (Ord. No. 600, 6/13/17)

## **SECTION 1-1102: POWERS AND DUTIES**

The Neligh Economic Development Board is hereby designated as the Development Agency of the City and shall have all those powers and duties granted pursuant to Neb. Rev. Stat. §§18-2101 through 18-2154 inclusive, in addition to its duties as the Neligh Economic Development Board. (Ord. No. 600, 6/13/17)

# **Article 12 – Library**

## **SECTION 1-1201: ESTABLISHMENT**

The Neligh Public Library is hereby established and shall operate as a city library of the City of Neligh, Nebraska, and shall be forever kept and maintained by said city, to be known as the Elven A. Butterfield Memorial Neligh Public Library, according to the rules and regulations as established and adopted by the City of Neligh and State of Nebraska from time to time. Whenever in this Article there shall be used the words "public library," the same shall be construed to mean and include the Elven A. Butterfield Memorial Public Library.

## **SECTION 1-1202: LIBRARY BOARD; DUTIES AND POWERS**

The Library Board shall have general charge of the city library and shall establish appropriate rules and regulations for the management, operation and use of the library.

A. The Library shall be controlled and operated by a Library Board of five members, who shall be residents of the City, to be appointed by a majority of the City Council. None of said five members shall be the mayor or a member of the City Council.

B. Board members shall be appointed for a term of four years. Board members shall serve without compensation, unless repaid out-of-pocket costs for lawful library business. In case of any vacancy by resignation, removal or otherwise, the City Council shall fill the vacancy for the unexpired term.

C. The Library Board shall have all the duties and powers granted to municipal library boards as established from time to time by the State of Nebraska and City of Neligh, including but not limited to:

1. Adopting by-laws, rules and regulations for operation of the library;
2. Having full control over the Library Fund, which is to be kept separate from other city funds and is paid out by the city treasurer upon receipt of vouchers signed by the Library Board president and authenticated by the Library Board treasurer;
3. Owning, renting and constructing library facilities;
4. Establishing a sinking fund; and
5. Appointing a librarian and assistants and fixing their compensation. Such appointees shall serve at the Board's pleasure.

D. At the time of the Board's first meeting of each year, the members shall organize by selecting from their number a chairperson and secretary. No member of the Library Board shall serve in the capacity of both chairperson and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection at any reasonable time.

E. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at regular times the members establish or at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson or a majority of the members of the Board.

## **SECTION 1-1203: USE OF LIBRARY FOR CITY OR SCHOOL; CONTRACTS**

The Library Board may contract with the governing body of any municipality, with the County Board of Antelope County or any adjacent county, or with the directors of any school district, to furnish the use and privilege of its library to the inhabitants of such city, village, county, township or school district, to the extent and upon such terms as may be agreed upon.

## **SECTION 1-1204: FINANCES; LIBRARY FUNDS; HOW DISBURSED**

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the library shall be kept for the use of such library, separate and apart from all other funds of the City, and shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the Library Board and shall not be used or disbursed for any other purpose or in any other manner.

## **SECTION 1-1205: REPORTS**

The Library Board shall, on or before the second Monday in February of each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information and suggestions as the Library Board may deem of general interest or as the City Council may require. (Am. by Ord. No. 442, 12/14/04)

## **SECTION 1-1206: BUDGET**

The Library Board shall, on or before the first Monday in July of each year, submit a budget to the City Council of the projected income and expenses for the coming fiscal year. Said budget shall show an itemized list of the projected purchases which the Board hopes to make during the coming year and of the projected expenses which the Board expects to incur for the coming year.

## **SECTION 1-1207: RECOVERY OF PENALTIES**

Penalties imposed or occurring by any bylaw or regulation of the Library Board may be recovered in a civil action before any court having jurisdiction. Such action shall be instituted in the name of the Library Board of the City of Neligh. Money collected in such actions shall be placed in the city treasury to the credit of the Library Fund. The Library Board may institute an action in the Antelope County Small Claims Court for the collection of any penalties imposed. (Ref. Neb. Rev. Stat. Sec. 51-214)

## **SECTION 1-1208: DONATIONS; RECEIPTS**

A person may make a donation of money, lands or other property for the benefit of the public library; provided, the Library Board shall have the right to reject said donation in its discretion. The title to property so donated may be made to and shall vest in the Library Board and its successors in office, and the Board shall thereby become owners thereof in trust to the uses of the public library. All money received by the Board or by any librarian or assistant of said library from any source for the use and support thereof shall be paid monthly to the city treasurer, who shall keep the same, together with the proceeds of any tax levied for the support of the public library, in a fund known as the "Library Fund." (Ref. Neb. Rev. Stat. Sec. 51-215)

## **SECTION 1-1209: RULES, REGULATIONS; MUTILATING PUBLICATIONS**

The Library Board shall fix and impose by general rules, penalties and forfeitures upon or injury to the library grounds, rooms, books or other property or for failure to return any books or for violation of any by-laws or regulations, and shall have and exercise such

power as may be necessary to carry out the spirit and intent of this Article in establishing and maintaining the public library. Whoever shall intentionally deface, obliterate, tear or destroy in whole or in part any newspaper, magazine, book or periodical or any material on file in the public library, or shall cut therefrom any article or advertisement, shall be deemed guilty of a Class V misdemeanor.

## **Article 13 – Police Department**

### **SECTION 1-1301: DUTIES**

The Police Department shall consist of the chief of police and such further number of regular policemen as may be duly ordered by resolution of the Council. The chief of police shall, subject to the direction of the mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. The department shall execute and enforce all laws and also the orders of the mayor. It shall be the duty of the department to protect the rights of persons and property. There shall be a proper police force at all fires. The department shall take notice of all nuisances, impediments, obstructions and defects in the streets, avenues, alleys, business places and residences of the City. The department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The chief of police and all regular and special policemen shall become thoroughly conversant with the laws of the City, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

### **SECTION 1-1302: RESERVE OFFICER BOND**

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of \$2,000.00, payable to the City, has been filed with the city clerk by the individual appointed, or a blanket surety bond arranged and paid for by the City Council and bonding all such officers of the City Council has been filed. Such bonds shall be subject to the provisions of Neb. Rev. Stat. Chapter 11, Article 1. (Ref. Neb. Rev. Stat. Sec. 81-1444)

### **SECTION 1-1303: ARREST JURISDICTION**

A. Every city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the City of Neligh.

B. Any city police officer who is within this state but beyond the territorial limits of his or her primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

1. Any city police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;
2. Any city police officer, if in a fresh attempt to apprehend a person suspected

of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

3. Any city police officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance. A "law enforcement officer in need of assistance" shall mean:
  - a. A law enforcement officer whose life is in danger or
  - b. A law enforcement officer who needs assistance in making an arrest and the suspect: (i) Will not be apprehended unless immediately arrested, (ii) may cause injury to himself or herself or others or damage to property unless immediately arrested, or (iii) may destroy or conceal evidence of the commission of a crime.
4. If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. Sec. 13-1802.

(Ref. Neb. Rev. Stat. Sec. 29-215)

#### **SECTION 1-1304: POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION**

A. Any police officer, including the chief of police, may be disciplined, suspended, demoted, removed or immediately discharged from duty for gross misconduct, neglect of duty or disobedience of lawful orders of the mayor or the City Council as a whole.

B. Any police officer so disciplined, suspended, demoted, removed or discharged may, within 30 days such disciplinary action, suspension, demotion, removal or discharge, file with the city clerk a written application for a hearing before the City Council. The city clerk shall immediately notify the mayor and the City Council of the receipt of such application. Upon notice of the filing of such application, the mayor shall call a special meeting of the City Council within 20 days of receipt of the written application to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the statutes of the State of Nebraska.

(Ref. Neb. Rev. Stat. Sec. 17-107)



## **Article 14 – Citizens Advisory Review Committee**

(Ord. No. 543, 8/14/12)

### **SECTION 1-1401: APPOINTMENT OF MEMBERS**

A. The City adopted the Nebraska Local Option Municipal Economic Development Act (LB 840) pursuant to the terms and conditions of the City's Economic Development Plan as adopted by the electors of the City at a special election.

B. A Citizens Advisory Review Committee has been created to review the functioning and progress of the Economic Development Plan at regular meetings, not less than quarterly, and to do such other actions as prescribed by the plan adopted by the electors. The initial committee shall be comprised of five members, two of whom shall have terms of two years and three who shall have terms of three years. Thereafter, all members' terms of office shall be four years. Such committee shall be appointed by the mayor subject to the approval of the City Council. Members may be reappointed once their terms of office have expired.

C. Appointment of members of the Citizens Advisory Review Committee shall be governed by the following criteria:

1. All committee members shall be registered voters of the city.
2. At least one member of the committee shall have expertise or experience in the field of business finance or accounting.
3. No member shall be an elected or appointed municipal official.
4. No member shall be an employee of the City of Neligh.
5. No member shall be an official or employee of a qualifying business receiving financial assistance under the economic development program.
6. No member shall be an official or employee of any financial institution participating directly in the economic development program.

D. The mayor shall also appoint one member of the City Council or other city employee as ex officio member of the committee.

## **Article 15 – Penal Provision**

### **SECTION 1-1501: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 dollars for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.