

Chapter 1  
ADMINISTRATIVE

Article 1. Elections

**§1-101 ELECTIONS; JOINT, GENERAL.** The general Municipal election shall be held in accordance with the provisions of Chapter thirty-two (32), Revised Statutes of Nebraska. The Governing Body has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year. Prior to February one (1) of the year, in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Election Commissioner shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. *(Ref. 19-621, 32-505, 32-4,147 RS Neb.)*

**§1-102 ELECTIONS; JOINT, GENERAL, NOTICE.** The Election Commissioner shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. *(Ref. 32-402.01 RS Neb.)*

**§1-103 ELECTIONS; JOINT, SPECIAL.** In lieu of submitting a matter or issue at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide General or Primary Election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (50) days prior to the election. The Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter other than that required to be given of the statewide election issues.

**§1-104 ELECTIONS; SPECIAL MUNICIPAL.** A Special Municipal Election may be held upon notice of such election being prepared and published by the Municipal Clerk, except as otherwise provided by law, not less than five (5) days, nor more than ten (10) days prior to any special election. Such elections shall be conducted in accordance with the Municipal Election Code, Section 19-3001, et. seq. RS Neb. *(Ref. 19-3003, 19-3006 RS Neb.)*

**§1-105 ELECTIONS; FILING FEE.** Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) percent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. *(Ref. 32-513 RS Neb.)*

**§1-106 ELECTIONS; PETITION CANDIDATES.** Candidates for any Municipal office in the Municipality may be nominated by petition. Such petitions shall contain signatures of registered voters equal in number to five (5%) percent of the votes cast in the voting unit at the most recent Municipal election or twenty-five (25) signatures, whichever is greater. Petitions must be filed at least sixty (60) days prior to the State Primary. Candidates may decline nomination by stating, in writing, to the Clerk that intention prior to the deadline for filing. *(Ref. 32-504, 32-535 RS Neb.)*

**§1-107 ELECTIONS; OFFICIALS.** The Election Commissioner shall select and appoint three (3) qualified persons as judges of election and two (2) qualified persons as clerks of election for each election district in the county. They shall be persons of good repute and character, able to read and write the English language, and eligible to qualify as electors of the county in which such election is held. No person shall be appointed as judge or clerk of election who is a candidate for office at such election, except candidates for membership of school boards and delegates to a county political convention, or an employee of any political subdivision, except an employee of a utility district, or a teacher of the public school system. *(Rev. 32-210 RS Neb.)*

**§1-108 ELECTIONS; OFFICIALS OATH.** Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by State law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book *(Ref. 11-101.01, 19-3015, 32-413, 32-414 RS Neb.)*

**§1-109 ELECTIONS; VOTER QUALIFICATIONS.** Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. *(Ref. 17-602, 32-102 RS Neb.)*

**§1-110 ELECTIONS; GOVERNING BODY.** The Governing Body of the City shall consist of four Council Members and a Mayor selected by the people to four (4) year terms. Council terms of office shall be staggered with two (2) terms expiring every two (2) years.

**§1-111 ELECTIONS; COUNCIL MEMBERS.** Council Members shall be elected from the Municipality at large.

**§1-112 ELECTIONS; MAYOR.** A Mayor shall be elected by a vote of the people to a four (4) year term. The term of office shall coincide with two (2) terms of the Governing Body.

**§1-113 ELECTIONS; PROCEDURE FOR FILING, ELECTION, AWARD OF OFFICE.** Any resident of the City nineteen (19) years of age or greater and who has held residency in the City for six (6) months (§5-108.1) is eligible to file for office of Mayor and Council Member. Those seeking either office shall file the necessary documents and render fees prescribed by State law to the City Clerk prior to the Primary Election.

**§1-114 ELECTIONS; BALLOTS.** The Election Commissioner shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. The highest four (4) Council Member candidates receiving votes and the highest two (2) Mayoral candidates receiving votes in the Primary Election shall be placed on the General Election ballots. Write in votes in both Primary and General Elections shall be counted if disclosed eligible by the Election Commissioner. The Election Commissioner of

Lancaster County shall certify the vote of the people and shall communicate to the Clerk the official outcome of the election. (*Ref. 32-417, 32-418 RS Neb.*)

**§1-115 ELECTIONS; CERTIFICATE OF ELECTION.** After the canvass of the vote at the Municipal election, the Election Commissioner, County Clerk, or City Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote, and in the form as nearly as possible prescribed by State law, which shall be signed by the Mayor under the seal of the Municipality, and countersigned by the Municipal Clerk. The said certificate shall then be delivered to the persons so elected. (*Ref. 19-3040, 19-3041, 32-4,111, 32-4,152, 32-558 RS Neb.*)

**§1-116 ELECTIONS; INABILITY TO ASSUME OFFICE.** In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that any candidate so declared elected received not less than thirty-five (35%) percent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected, or reasonable notice of the winners ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (*Ref. 32-537 (7) & (8) RS Neb.*)

**§1-117 ELECTIONS; RECALL PROCEDURE.** Any or all of the members of the City Council and the Mayor of the Municipality may be removed from office by the registered voters of the Municipality. An affidavit shall be made by one (1) or more registered voters and filed with the Municipal Clerk, stating the name and office of the officer or officers sought to be removed. A petition demanding that the question of removing such officer or officers be submitted to the registered voters shall be filed with the Municipal Clerk. Such petition for the recall of any or all such officers shall, if such officer was elected at large, be signed by registered voters equal in number to at least twenty-five (25%) percent of the total number of votes cast at the last preceding regular Municipal election, or if such officer was elected from a ward, the petition shall be signed by registered voters of such ward equal in number to at least twenty-five (25%) percent of the total number of votes cast in such ward at the last preceding regular Municipal election. The signatures to such petition need not be appended to any one (1) paper. Such petition papers shall be issued, signed and filed as provided for by the statutes of Nebraska. No recall petition shall be filed against members of the City Council or the Mayor within six (6) months after he or she takes his or her office, nor within six (6) months after a recall election has failed to remove him or her. (*Ref. 19-4201 et. seq. RS Neb.*)

## Article 2. Bonds and Oath

**§1-201 BONDS; FORM.** Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body 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 Municipal officials shall be executed by the principal named in such bonds and by at least two (2) 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 Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for surety ship on the bond of an official of the Municipality. 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 Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body, and all sureties are endorsed in writing on the said instrument by the Mayor and Municipal Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records, and it shall be the duty of the Municipal 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 Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body 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 Governing Body, then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Governing Body to appoint a competent, and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. (*Ref. 11-103 through 11-118, 17-604 RS Neb.*)

**§1-202 OATH OF OFFICE; MUNICIPAL OFFICIALS.** All officials of the Municipality, 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 administered as the oath of office to the successful candidate at the first (1st) regular meeting of the Governing Body following certification by the Election Commissioner.

"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. 11-101 RS Neb.*)

## Article 3. Compensation

**§1-301 COMPENSATION; MUNICIPAL OFFICIALS.** The compensation of any elective municipal officer shall not be increased or diminished during the term for which he shall have been elected, except: (a) when there has been a combination and merger of offices as provided by Sections 17-108.02 and 17-209.02 of the Nebraska Revised Statutes; or (b) the compensation of the Mayor and all members of the Governing Body, may be increased or diminished at the beginning of the full term of the Mayor or any member of the Governing Body. No person who shall have resigned or vacated any elective office shall be eligible to the same during the time for which he was elected if during the same time the compensation thereof were increased. The salary for the Mayor shall be \$4,000 annually, and the salary for each of the Council Members shall be \$2,500 annually. The salaries shall be paid in one annual payment at the first council meeting in June. *(Ref. 17-108.02, 17-612 RS Neb.) (Amended by Ord. 02-13, 4/1/02)*

**§1-302 COMPENSATION; CONFLICT OF INTEREST.** *(Repealed by Ord. No. 83-27, 11/21/83)*

## Article 4. Ordinances

**§1-401 ORDINANCES; GRANT OF POWER.** The Governing Body shall have the responsibility of making all ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government, and welfare of the municipality and its trade, commerce, and security. *(Ref. 17-505 RS Neb.)*

[Note: A copy of all current resolutions passed by the Mayor and Council is on file at the City Clerk's office. The file is available for inspection during normal office hours.]

**§1-402 ORDINANCES; STYLE.** The style of all Municipal ordinances shall be:

“Be it ordained by the Mayor and Council of the City of Waverly, Nebraska.”  
*(Ref. 17-613 RS Neb.)*

**§1-403 ORDINANCES; TITLE.** No ordinance shall contain a subject not clearly expressed in its title. *(Ref. 17-614 RS Neb.)*

**§1-404 ORDINANCES; PASSAGE.** Ordinances, resolutions, or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members of the Governing Body. Ordinances of a general or permanent nature shall be read by the title on three (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the Council, in such case said ordinance may be read by title or number and then moved for final passage. Three-fourths (3/4) of the Council may require any ordinance to be read in full before final passage under either process. *(Ref. 17-614 RS Neb.)*

**§1-405 ORDINANCES; PUBLICATION OR POSTING.** All ordinances of a general nature shall be published one (1) time within fifteen (15) days after they are passed in some newspaper published in the Municipality, or if no paper is published in the Municipality, then by posting a written or printed copy thereof in each of three (3) public places in the Municipality. *(Ref. 17-613 RS Neb.)*

**§1-406 ORDINANCES; 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 Municipality from the Municipal Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by who, and where the same was posted. *(Ref. 17-613 RS Neb.)*

**§1-407 ORDINANCES; EMERGENCY ORDINANCES.** In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the Mayor, and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency and be passed by a three-fourths (3/4) vote of the Governing Body, and entered upon the Municipal Clerk's minutes. *(Ref. 17-613 RS Neb.)*

**§1-408 ORDINANCES; 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 shall be repealed. *(Ref. 17-614 RS Neb.)*

#### Article 5. Meetings

**§1-501 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. 84-1409(2) RS Neb.) (Amended by Ord. No. 83-18, 10/17/83)*

**§1-502 MEETINGS; PUBLIC BODY DEFINED.** Public Body as used in this Article shall mean:

- A. The Governing Body of the Municipality,
- B. All independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, and
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. *(Ref. 84-1409(1) RS Neb.) (Amended by Ord. No. 83-18, 10/17/83)*

**§1-503 MEETINGS; PUBLIC.** All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. Whenever a meeting is held in an alternate facility, a notice shall be posted on the door of the Municipal Building no less than thirty (30) minutes prior to the scheduled meeting time, which notice shall include the time and specific place of such meeting and an enumeration of the agenda items known at the time such notice is posted; Provided, however, that failure to post such notice shall not in any way invalidate any action taken at such meeting nor be construed as a defect of notice. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Mayor if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Except for items of an emergency nature, the agenda shall not be enlarged later than twenty-four (24) hours before the scheduled commencement of the meeting. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only, at such public meetings. The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. (*Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.*) (*Amended by Ord. No. 83-18, 10/17/83*)

**§1-504 MEETINGS; CLOSED SESSIONS.** Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

- A. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
- B. Discussion regarding deployment of security personnel or devices;
- C. Investigative proceedings regarding allegations of criminal misconduct; or
- D. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

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

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (a) of this section.

Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this Article, nor shall any closed session, informal meeting, chance meeting, social gathering, or electronic communication be used for the purpose of circumventing the provisions of this Article. The provisions of this Article shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. (*Ref. 84-1410 RS Neb.*) (*Amended by Ord. Nos. 83-18, 10/17/83; 01-02, 4/2/01*)

**§1-505 MEETINGS; MINUTES.** Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

The minutes shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. (*Ref. 84-1412, 84-1413 RS Neb.*)

**§1-506 MEETINGS; VOTES.** Unless stated by law any action taken on any question or motion duly moved shall be by roll call, voice or hand vote of the public body in open session, and the record shall state the disposition of the vote. Any vote by abstention shall be counted with the majority. The Mayor shall rule that the abstention is to be counted with the majority; the record shall show the abstention vote as well as the disposition of the vote. 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. 17-616, 84-1413 RS Neb.*)

**§1-507 MEETINGS; NOTICE TO NEWS MEDIA.** The Municipal 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. 84-1411 RS Neb.*)

**§1-508 MEETINGS; PUBLIC PARTICIPATION.** 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 1-504 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.

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 is not required to allow citizens to speak at each meeting, nor may it 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, however, 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. 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 member of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. *(Ref. 84-1412 RS Neb.) (Amended by Ord. No. 83-18, 10/17/83)*

#### Article 6. Elected Officials

**§1-601 CITY MAYOR; SELECTION AND DUTIES.** The Mayor of the Municipality shall have the general, and immediate control over all property, and officials, whether elected, or appointed, of the Municipality. He/She shall preside at all meetings of the City Council, and may vote when his/her vote shall be decisive 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 Municipal 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. Any ordinance vetoed by the Mayor may be passed over his/her veto by a three-fourths (3/4) vote by the members of the City Council, but if the Mayor neglects or refuses to sign any ordinance, and returns it to the Council with his/her objections in writing at the next regular Council meeting, the same shall become a law without his/her signature. He/She shall from time to time communicate to the Council such information and recommendations as, in his/her opinion, may improve the Municipality. He/She may require at reasonable intervals any Municipal 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 Municipality. He/She shall have the authority to call on every inhabitant of the Municipality over eighteen (18) years of age and under the age of fifty (50) years to aid in enforcing the laws. He/She may remove at any time an appointed police officer of the Municipality. His/Her territorial authority shall extend over all places within five (5) miles of the corporate limits of the Municipality for the enforcement of any health ordinance, and one half (1/2) 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. He/She shall be elected at the Municipal Election, and shall serve a four (4) year term of office. Any candidate for Mayor must have resided within the Municipality for six (6) months prior to filing for the said office and must in addition be a qualified taxpayer. *(Ref. 17-110 through 17-117 RS Neb.)*

**§1-602**     **CITY MAYOR; VETO.** The Mayor may exercise his/her veto on any action of the Council at any time prior to the next regular meeting of the Council. If the veto is exercised after the meeting at which the Council action was taken, the Mayor shall file a veto message with the Clerk and such veto message will be published by the Clerk at the earliest opportunity in THE NEWS and sent to the Council Members by U.S. Mail or delivered in person by the Clerk.

The Mayor will make every effort to exercise his/her veto in time so that the item may be placed on the published agenda of the next regular meeting. Failure to do so, however, will not invalidate his/her veto.

The Council shall have two (2) regular meetings after a veto in which it can act on the veto. The Council shall only act, however, to override a veto, after the matter is made a published agenda item. (*Ref. Ord. 78-4*)

**§1-603**     **CITY COUNCIL; ACTING PRESIDENT.** Each year at the first (1st) regular meeting in December the City Council shall elect one (1) of its own body who shall be the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor and the President of the Council, the City Council shall elect one (1) of its own body to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council, 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 Municipality as if done by the elected Mayor. (*Ref. 17-148 RS Neb.*)

**§1-604**     **CITY COUNCIL; SELECTION AND DUTIES.** The members of the City Council shall be elected and serve for a four (4) year term. The City Council shall be the legislative division of the Municipal 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. 17-103, 17-104 RS Neb.*)

**§1-605**     **ELECTED OFFICIALS; VACANCY.** Whenever a vacancy occurs in an elected office of the Municipality, except Mayor, notice of said vacancy shall be presented in writing to the City Council at a regular meeting and said notice 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 Municipality or by posting in three (3) public places in the Municipality the office vacated and the length of the unexpired term. In no case upon removal or resignation shall the Council Member vote on his/her successor to the office in question nor shall the matter be declared an order of business until the office is vacant.

The Mayor shall within two (2) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the City Council, at which time the Mayor shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. Upon a majority vote of the approval by the City Council the vacancy shall be filled.

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

The Mayor shall cast his vote only in case of a tie vote of the City Council.

All City Council Members shall cast a ballot for or against each nominee.

The Mayor and Council may, in lieu of filling a vacancy in a City office as provided in subsection (1) of this Section, call a special Municipal election to fill such vacancy. If there is a vacancy in the offices of a majority of the members of a City Council there shall be a special Municipal election conducted by the Secretary of State to fill such vacancies. (*Ref. 32-4,152 RS Neb.*)

**§1-606 MAYOR; VACANCY.** Whenever a vacancy occurs in the office of Mayor, or in case of his/her disability or absence, the President of the Council shall exercise the office of Mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns.

When the successful candidate for Mayor shall be prevented from assuming office, the incumbent Mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and the President of the Council shall exercise the office of Mayor until such vacancy is filled.

If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in Section 1-605. (*Ref. 17-107, 17-115 RS Neb.*)

#### Article 7. Council Organization

**§1-701 CITY COUNCIL; ORGANIZATION.** City Council Members of this Municipality 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 Municipal 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. 17-104, 17-197.01, 19-613 RS Neb.*)

**§1-701.01 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 Municipal 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 moneys, belonging to the same. (*Ref. 17-107.02(9) RS Neb.*)

**§1-702 GOVERNING BODY ORGANIZATION.** The newly elected Council shall convene at the regular place of meeting in the City on the first (1st) regular meeting in December of each year in which a Municipal 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. The Mayor shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first (1st) regular meeting in December following his/her election. All appointive officers shall qualify within two (2) 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 Municipality and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the Municipal Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Municipal Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

**§1-703 LIAISON OFFICES; APPOINTMENT.** At the organizational meeting of the Governing Body appointments of Council Members shall be made to Liaison Offices. These offices are as follows:

- A. Human Services
- B. Public Health and Safety
- C. Public Works
- D. Fiscal and Economic Development

The Mayor shall nominate one (1) member of the Governing Body to each liaison office. One (1) member of the Governing Body shall not hold more than one (1) liaison office. The Council will vote on ratifications. Should the majority vote be not to ratify, the matter is automatically tabled to the next regular Council meeting. (Amended by Ord.01-02, 4/02/01)

**§1-704 LIAISON OFFICES; CATEGORY.** The name and scope of the liaison offices shall be as follows:

- A. Human Services to include parks, recreation, mental health, health, and cemetery.
- B. Public Safety to include fire, rescue, police and emergency preparedness.
- C. Public Works to include streets, water and sewer.
- D. Fiscal and Economic Development to include financial and management planning and community economic development programming. (Amended by Ord.01-02, 4/02/01)

**§1-705 LIAISON OFFICES; GENERAL DUTIES.** The primary responsibility of each liaison official shall be communication of specific programs, long range planning, budgetary requirements and problems to the Mayor and City Council. When a specific Standing Committee is established, the liaison official will also work to foster communications between the Standing Committee and the Mayor and Council.

During the budget preparation process, the liaison official will work with the Mayor in preparing a proposed budget.

Specific actions requested by the Mayor, Council Members, citizens, administrative staff, committees or commissions for placement on the agenda shall be communicated to the liaison official responsible for the area in question prior to the development of Council support material.

**§1-706 PRESIDENT OF THE COUNCIL; DUTIES.** In addition to the duties of the President of the Council referenced in Section 1-603, he/she shall also:

- A. Act as liaison between the legislature and administrative areas of the City (Mayor-Council).
- B. Aid the Mayor in budgetary requests in the area of Council and Committee programs and administrative costs.
- C. Liaison of Council policy and procedure with the Mayor.
- D. Review the agenda and requirements (see agenda).

**§1-707 MAYOR; DUTIES.** In addition to the duties of the Mayor referenced in Section 1-601, he/she shall: Also receive requests for budget items from each Council Member or Council Member acting as a liaison official prior to May 1st of each year. The Mayor shall submit a proposed budget and appropriations ordinance to the President of the Council prior to June 1st of each year.

Utility rates and percent of cost recovery shall be included within the proposed budget requirement submitted to the Governing Body by the Mayor.

#### Article 8. Council Procedure

**§1-801 MEETINGS; GOVERNING BODY.** Regular meetings shall be held on the first (1st) and third (3rd) Mondays of each month at the hour of seven (7:00) o'clock p.m., unless the time or date of any regular meeting is changed by the Mayor and such change of schedule is communicated to the public by publication, or if publication is for any reason defective or deficient, then by posting.

Special meetings may be called by the Mayor, or by two (2) 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 Municipal Clerk. No other business shall be transacted at such meeting unless all members of the City Council are present and consent thereto. On filing the call for a special meeting, the Municipal Clerk shall notify the Council Members of the special meeting, stating the time and its purpose. Notice of the special meeting need not be given to a Council Member known to be out of the state, or physically unable to be present. Notice of special meetings shall be transmitted to the public in the manner provided in Section 1-507 of this Code, except that in the case of special meetings posting shall be deemed sufficient notice and no publication shall be necessary.

Three-fourths ( $\frac{3}{4}$ ) of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; Provided, that on the request of any two (2) members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the Municipal 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. (*Ref. 17-105, 17-106 RS Neb.*) (*Amended by Ord. Nos. 97-3, 4/7/97; 98-4, 2/17/98*)

**§1-802 MEETINGS; 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 this Code 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. 84-1411 RS Neb.*) (*Amended by Ord. No. 83-18, 10/17/83*)

**§1-803 MEETING; TIME.** Excluding Public Hearings and closed sessions, each Council meeting shall last no longer than two (2) hours. This rule of the Council is implemented to give fair consideration to each agenda item. This rule may be suspended however in the event circumstances warrant. An additional limit of one (1) hour is placed on closed sessions of the Council. This rule extending to three (3) hours total time may also be suspended by motion noted in the record.

**§1-804 MEETING; PROCEDURES.** The Clerk shall cause to be made laminated outlines of the rules and shall have custody of same. These outlines shall be placed before the Council Members and Mayor at each meeting.

The Mayor shall preserve order during meetings of the Governing Body and shall decide all question of order, subject to an appeal of the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Mayor is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine comments to the question. When two (2) or more persons rise at once, the Mayor shall recognize the one who spoke first.

All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Governing Body. Every member of the Governing Body who is present when a question is voted upon, shall cast his/her vote unless excused by a majority of the Governing Body present. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Governing Body making the motion or resolution shall be entered also. After each vote, the "Yeas" and "Nays" shall be taken and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof.

When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Governing Body for meetings and agenda items may be suspended by a three-fourths ( $\frac{3}{4}$ ) vote of the Council Members.

Failure to abide by the procedural provisions of the Governing Body of meetings and agenda items shall not affect the legality of any action taken by the Council that would otherwise be valid. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Governing Body shall decide all procedural disputes that may arise.

Any person speaking, whether during Public Comment or a motion before the Governing Body, shall identify themselves for the record.

Motions: Upon subject only after recognized, in all cases a second shall be required and recorded in the minutes.

Debate: All except ordinances time limit ten (10) minutes. Ordinances twenty (20) minutes. Alternating debate, proponents first.

Question: Non-debatable prior to vote except the Council Member introducing a motion shall have one (1) minute for summation even though the debate ceases by a call of the question.

Roll Call: Introducer first, then rotating.

Liaison Item: Ten (10) minutes limit of presentation.

Suspend Rules: Three-fourths ( $\frac{3}{4}$ ) vote.

Motion to Table: Two (2) minute time limit each side. Maker first.

Abstentions: Counted with the majority vote.

Robert's Rules: In effect unless otherwise noted.

Vote Order: Introducer first followed by rotation.

Public Hearing: The City Council shall designate a time in its regular agenda for the conduct of a Public Hearing. Any person may come forward and address the Council at the Public Hearing on any item appearing on the agenda for that meeting. No person shall be permitted to address the City Council for longer than five (5) minutes, except by unanimous consent of all members of the City Council present; Provided, this limitation shall not apply to proceedings before the City Council requiring the taking of testimony under oath. *(Amended by Ord. Nos. 83-6, 4/18/83; 90-3, 4/2/90; 06-15, 8/7/06)*

**§1-805 MEETINGS; ORDINANCES.**

- A. Introduced by Council Member proposing ordinance. If an area of another Council Member's liaison office, introducer shall communicate nature of ordinance to the liaison official prior to introduction to the Governing Body.
- B. The introducer shall place each ordinance on the agenda of a regular meeting of the Governing Body, at his/her pleasure, for subsequent readings. Any person may comment on the ordinance at any public hearing held after the introduction of the ordinance, provided that no one ordinance shall be the subject of more than fifteen (15) minutes discussion during any single public hearing, divided as follows: Introducer, five (5) minutes for opening remarks; Proponents, five (5) minutes; Opponents, five (5) minutes.
- C. Following successful vote on an ordinance on first (1st) reading the City Attorney will be authorized to work with the Council Member introducing the ordinance to add legal form to the ordinance.
- D. The Clerk will read the ordinance by title following all inside motions to amend, and immediately following the summation of the main motion.
- E. Any Council Member may amend current reading. Substantive changes may, by motion, cause the ordinance to revert to a lower reading.
- F. Three-fourths ( $\frac{3}{4}$ ) of those elected to the office are required for passage. The Mayor may break a tie.
- G. Failure of a motion to adopt results in total failure of ordinance and cannot be reintroduced for six (6) months. *(Amended by Ord. No. 90-3, 4/2/90)*

**§1-806 MEETINGS; AGENDA (GENERAL).** Agenda items for regular meetings of the Governing Body shall be submitted to the Clerk on the Wednesday preceding the meeting date.

The Governing Body shall have the right to modify agenda items or expand the agenda to include items of an emergency nature, at public meetings, and, to include items placed on the agenda after the due date provided above, but prior to the meeting date. Only by Council Members, the Mayor and the Clerk may place items on the agenda. The Clerk may place routine items on the agenda without endorsement and shall place on the agenda matters requiring action by State law and items requested by the City's Fiscal Agent or the City Attorney. *(Ref. Ord. No. 78-4) (Amended by Ord. No.01-02, 4/2/01)*

**§1-807** **AGENDA RULES.** To conform to the rules of the Governing Body and to foster an orderly transaction of business, specific time limits will be placed on agenda items by the President of the Council. Should the President of the Council determine that more items have been submitted on the agenda than can be fairly disposed of under the rules, the President may request of the sponsor a postponement. The President may arrange items within the general context of the agenda for efficient disposition of business at his/her discretion. Also, the Mayor shall dispose of all items pertaining to consultants in attendance upon their arrival at the meeting.

Individual citizens wishing a specific item to be placed on the agenda shall be directed to the liaison official that is determined to be responsible for the item to be considered and/or the Mayor. Regular rules as outlined above shall then apply.

The Mayor and the President of the Council shall make the final determination as to the makeup of the agenda.

**§1-808** **MEETINGS; AGENDA FORM.** To conform to rules of the Governing Body, the following form shall be used for the agenda.

- I. Call to Order
- II. Public Hearings
- III. Public Comment
- IV. Approval of Minutes
- V. Approval of Financial Reports & Consideration of Claims for Payment
- VI. Introduction of Resolutions
- VII. Introduction of Ordinances
- VIII. Introduction of Business Communications

An agenda, kept continuously current, is available for public inspection at the office of the City Clerk.

The Mayor shall arrange such agenda items at the meeting to economically use the time of retained consultants. The agenda information notice shall contain an estimated running time as set forth in the rules of Council meetings. (*Amended by Ord. No. 90-3, 4/2/90*)

**§1-809** **AGENDA; SUPPORT MATERIAL.** Mayor and each Council Member receive via messenger on Friday afternoon, or before, preceding the Council meeting, a packet containing the following material:

- A. An agenda listing published agenda items
- B. Explanation of each agenda item indicating which Council Member has placed the item, as well as any guests or speakers and estimated time limits
- C. All support material relative to the agenda items
- D. Any communications to individual Council Members.

It shall be the duty of the introducer to see that adequate written explanation is given of each published agenda item to fully inform the Council and Mayor.

**§1-810 AGENDA; LATE SUPPORT MATERIAL.** Although it is necessary that each Council Member and Mayor receive agenda support material with the agenda packet as outlined in Section 1-809 above, sometimes circumstances require handouts to be presented at the Council meeting. In this case, all handouts in the custody of the Clerk shall be presented prior to call to order. This Section does not pertain to support material brought to the meeting by Public or representatives although the Council encourages support material to be contained with the agenda packet.

#### Article 9. Appointed Officials

**§1-901 APPOINTED OFFICIALS; GENERAL AUTHORITY.** The Mayor, by and with the consent of the City Council, shall appoint, for an annual basis, at the first (1st) meeting in December, such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the Mayor. The Mayor, by and with the consent of the City Council, shall appoint such a number of regular policemen, and other officials as may be necessary, and may establish a police reserve force as provided by law. All police officers, and other appointed officials, shall be subject to removal at any time by the Mayor. (*Ref. 17-107, 81-1438 through 81-1446 RS Neb.*)

**§1-902 APPOINTED OFFICIALS; MERGER OF OFFICES.** The Governing Body of the Municipality may, in its discretion, by ordinance combine and merge any elective or appointive office, or employment, except the Mayor or a City Council Member, with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time; Provided, the offices so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only; and Provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. (*Ref. 17-108.02 RS Neb.*) (*Amended by Ord. No. 83-22, 10/17/83, Repealed by Ord. No. 83-27, 11/21/83; Re-enacted by Ord. No. 83-29, 12/5/83*)

**§1-903 APPOINTED OFFICIALS; ADMINISTRATOR-CLERK POSITION.** The appointed offices of Municipal Administrator and Municipal Clerk are hereby combined and merged, in accordance with the authority granted to the Governing Body by Section 1-902.

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. (*Ord. No. 98-17, 11/16/98, 02-17, 6/3/02*)

**§1-904 APPOINTED OFFICIALS; MUNICIPAL ADMINISTRATOR.** The Municipal Administrator shall be the administrative head of Municipal Government, under the direction of the Mayor, to carry out the policies and directions which the Governing Body shall determine. He/She need not be a resident of the City at the time of his/her appointment, but shall become a resident within such reasonable time as the Mayor may allow. In addition to the responsibilities set forth elsewhere, and not as a limitation thereof, it shall be the duty of the Municipal Administrator to: attend all meetings of the Governing Body and ensure proper implementation and compliance with all policies established by the Governing Body; timely advise the Governing Body regarding the Municipal operations and matters affecting the well being of the Municipality; receive and deliver communications on behalf of the Municipality, Mayor, and City Council; receive and timely act upon citizen complaints; retain and consult with external professionals with approval of Mayor; supervise and provide general assistance to all Municipal boards, commissions, and committees,

and attend all such meetings when so directed by the Mayor; ensure and supervise proper maintenance of all official Municipal documents and records; ensure compliance with all applicable laws, regulations, and ordinances; organize, direct, coordinate, and ensure proper implementation of all plans and programs for Municipal Departments; directly supervise and assist Municipal Departments in the general operation, meet regularly with departments to discuss performance and general administrative duties, and regularly report to the Mayor regarding such; directly supervise all Municipal office personnel; serve as the Municipal human resources director, coordinating all employment application procedures and interviews, implementing and maintaining a personnel evaluation program with the assistance of maintenance supervisor, preparing and submitting to the Mayor written performance evaluations for all City personnel at least once annually, supervising and maintaining payroll programs in compliance with all applicable laws, disciplining and terminating Municipal employees with approval of the Mayor, and ensuring proper administration of all employee benefit programs; maintain all Municipal financial records and reports; serve as City purchasing agent for all departments; directly supervise, in consultation with maintenance supervisor, the maintenance of perpetual inventories for Municipal departments; serve as Municipal ADA Compliance Officer; direct and coordinate Municipal safety and risk management activities; direct budget preparation and ensure submission of periodic budget reports to Governing Body; recommend to Governing Body the adoption of such measures and ordinances as are deemed necessary or expedient; and perform all other such duties and exercise such other powers as may be delegated to the Municipal Administrator from time to time by ordinance or resolution of Mayor and City Council. (*Ord. No. 98-17, 11/16/98*)

**§1-905 APPOINTED OFFICIALS; MUNICIPAL CLERK.** The Municipal Clerk shall attend the meetings of the Governing Body and keep a correct journal of the proceedings of that body. He/She shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He/She shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his/her office for the year. That record shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each and every item, and expense thereof. He/She shall file all official bonds after the same shall have been properly executed and approved. He/She shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

The Municipal Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the Municipal ordinances. He/She shall collect all occupation taxes and license money except where some other Municipal officer is specifically charged with that duty. He/She shall keep a register of all licenses granted in the Municipality and the purpose for which they have been issued.

The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept and preserved in his/her office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He/She shall keep all the records of his/her office, including a record of all licenses issued by him/her, in a blank book with a proper index. He/She shall include, as part of his/her records, all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He/She shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings made by him/her shall be properly docketed. Included in his/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/She shall keep and preserve the proceeding of the Governing Body in two (2) separate and distinct record books.

The Minute Records shall contain a record of all the miscellaneous and informal doings of the Governing Body. The Minute Record shall not include the passage and approval of ordinances, except such resolutions incorporating by reference the Ordinance Record into the Minute Record. The Ordinance Record shall contain the formal proceedings of the Governing Body in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk shall record and spread at large in the Ordinance Record, his/her ordinance minutes on printed forms. In all cases hereafter, where single ordinances are introduced for the consideration of the Governing Body, the Municipal Clerk shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record. He/She shall keep an accurate and complete account of the appropriation of the several funds, and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he/she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his/her charge to the Mayor for his/her signature. He/She shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, he/she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk shall prepare and publish the official proceedings of the Governing Body in a legal newspaper of general circulation in the Municipality, and which was duly designated as such by the Governing Body. 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 names of all employees and their current annual, monthly, or hourly salaries shall be published, provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He/She shall then keep in a book, with a proper index, copies of all notices required to be published or posted by the Municipal Clerk by order of the Governing Body, or under the ordinances of the Municipality. 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 Municipal Clerk's certificate under seal where the same are required to be posted only.

The Municipal Clerk shall receive all objections to creation of paving districts and other street improvements. He/She shall receive the claims of any person against the Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk shall notify such claimant, his agent, or attorney, by letter within five (5) days after such disallowance, and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

The Municipal Clerk may charge a reasonable fee for certified copies of any record in his office as set by resolution of the Governing Body. He shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 through 84-1220; Provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (*Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.*) (*Amended by Ord.Nos. 98-17, 11/16/98; 01-02, 4/2/01*)

**§1-906 APPOINTED OFFICIALS; MUNICIPAL TREASURER.** The Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He/She shall keep all money belonging to the Municipality separate and distinct from his/her own money. He/She shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He/She shall issue duplicate (2) receipts for all moneys received by him/her, for the Municipality. He/She shall give to every person paying money into the Municipal Treasury, a receipt therefor, specifying the date of payment and the account paid. One (1) of the receipts shall be filed with his/her monthly report, and the last copy of the said receipt shall be kept on file in his/her office. His/Her books and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt, or other record of receipt, cash or expenditure involving public funds is involved. He/She shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him/her, by writing or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He/She shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily, and he/she shall adopt such bookkeeping methods as the Governing Body shall prescribe. He/She shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing Body. (*Ref. 17-606 through 17-609, 84-712 RS Neb.*) (*Amended by Ord. No. 98-17, 11/16/98*)

**§1-907 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.** The Municipal Treasurer shall, at the end of each and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body, under oath, showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He/She shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him/her. He/She shall also produce depository evidence that all Municipal money is in a solvent and going bank, in the name of the Municipality. If the Municipal Treasurer shall neglect, or fail, for the space of ten (10) days from the end of each and every month, to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. (*Ref. 17-606 RS Neb.*) (*Amended by Ord. Nos. 98-17, 11/16/98; 01-02, 4/2/01*)

**§1-908 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT.** The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the close of its municipal fiscal year a statement of the receipts and expenditures by funds of the city for the preceding fiscal year. Not more than the legal rate provided for in section 33-141 shall be charged and paid for such publication. (*Ref. 19-1101 RS Neb.*) (*Amended by Ord. Nos. 98-17, 11/16/98; 01-02, 4/2/01*)

**§1-909 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY.** The Municipal Attorney is the Municipality's legal advisor, and as such he/she shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Governing Body, he/she shall attend meetings of the Governing Body and shall advise any Municipal Official in all matters of law in which the interests of the Municipality 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 Municipality. He/She shall examine all bonds, contracts, and documents on which the Governing Body 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 Municipal ordinances when directed to do so by the Governing Body. Without direction, he/she shall appear and prosecute all cases for violation of the Municipal 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 Governing Body, the ordinance records, and advise and assist the Municipal 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 Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. *(Ref. 17-610 RS Neb.) (Amended by Ord. 98-17, 11/16/98)*

**§1-910 APPOINTED OFFICIALS; MUNICIPAL FIRE/RESCUE CHIEF.** The Municipal Fire/Rescue Chief shall be appointed by the Mayor, by and with the consent of the Governing Body, after receipt of a recommendation from the Emergency Services Coordinator. The Fire/Rescue Chief shall be primarily responsible for the administration of the Municipal Fire/Rescue Department, shall work cooperatively with and at the direction of the Municipal Emergency Services Coordinator, and shall take such steps as are reasonable and necessary to insure the Municipal Fire/Rescue Department is operated in accordance with Chapter 3, Article 3 of this Code. The Municipal Fire Chief shall serve at the pleasure of the Mayor. *(Amended by Ord. No. 96-3, 2/5/96; 03-04, 7/7/03). (Previously §1-909)*

**§1-911 APPOINTED OFFICIALS; SPECIAL ENGINEER.** The Governing Body may employ a Special Engineer to make, or assist the Municipal Engineer in making, any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. He/She shall, when directed by the Governing Body, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Governing Body. He/She shall, upon request of the Governing Body, make estimates of the costs of labor and material which may be done, or furnished by contract, with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, the improvement of streets, and erection and repair of buildings, and shall perform such other duties as the Governing Body may require. All records of the Special Engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. *(Ref. 17-405, 17-568, 17-568.01, 17-919 RS Neb.) (Amended by Ord. No. 83-17, 10/17/83 and 98-17, 11/16/98)*

**§1-912 APPOINTED OFFICIALS; MUNICIPAL BUILDING INSPECTOR.** The Municipal Building Inspector shall conduct surveys and make inspections in any area of the Municipality to determine whether all buildings and structures are in compliance with trade and building codes adopted by the Municipality and with the Municipal 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 Municipal ordinances exists, and that a building or structure is unfit or unsafe for human habitation.

Whenever necessary to make an inspection to enforce any of the provisions of any code or ordinance, or whenever the building official or his/her authorized representative have reasonable cause to believe that there exists in any building or upon any premises any equipment that has become hazardous to life, limb, health, or property, or that work is being done, or has been done, in violation of any Code, then the building official, or his/her authorized representative, may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the building official by this Code; Provided that:

- A. If such building or premises be occupied, he/she shall first present proper credentials and demand entry; and
- B. If such building or premises be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

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 Mayor as often as necessary, and shall have such other duties and issue such permits as he/she may direct. The Building Inspector may be removed at any time for good and sufficient cause by the Mayor. (*Amended by Ord. No. 98-17, 11/16/98*)

**§1-913 APPOINTED OFFICIALS; ZONING ADMINISTRATOR.** The Mayor may appoint a Zoning Administrator. In the absence of a specific appointment by the Mayor, the Building Inspector is hereby designated as Zoning Administrator. (*Amended by Ord. 01-02, 4/2/01*)

**§1-914 APPOINTED OFFICIALS; EMERGENCY MANAGEMENT COORDINATOR.** The Mayor, by and with the consent of the Governing Body, shall appoint an Emergency Management Coordinator. The Emergency Management Coordinator shall have direct responsibility for the organization, administration, and operation of the local organization for Civil Defense. The Emergency Management Coordinator shall (1) serve as an ex-officio, unpaid member of the Emergency Management Committee; (2) serve as a liaison between the Municipality's Emergency Management Committees and the Lincoln-Lancaster County Civil Defense Agency; (3) assume all duties and responsibilities of the Emergency Management Coordinator as set forth in the Municipality Emergency Management Plan, such Plan as proposed by the Emergency Management Committee and adopted by the Governing Body, as it presently exists, and as it may be hereafter amended from time to time; and (4) have such other duties as the Mayor may direct. (*Ord. No. 85-2, 3/18/85*) (*Amended by Ord. No. 98-17, 11/16/98*)

**§1-915 APPOINTED OFFICIALS; EMERGENCY SERVICES COORDINATOR.** The Emergency Services Coordinator shall be appointed by the Mayor, by and with the consent of the Governing Body. He/She shall be primarily responsible for the overall administration and coordination of the providing of Emergency Services within the Municipality and in accordance with Chapter 3, Article 3 of this Code, and shall supervise the Municipal Fire/Rescue Chief, and the Emergency Management Coordinator. The Emergency Services Coordinator shall perform such duties as may be adopted, from time to time, as policy by the Governing Body and shall report to the Mayor. (*Ord. No. 96-3, 2/5/96*) (*Amended by Ord. 03-04, 7/7/03*)

**§1-916 APPOINTED OFFICIALS; MUNICIPAL RESCUE SQUAD PRESIDENT.** (*Repealed by Ord. 03-04, 7/7/03*)

#### Article 10. Corporate Seal

**§1-1001 SEAL; OFFICIAL CORPORATE.** The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription, "Official Seal, City of Waverly, Nebraska." The Municipal 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 Governing Body and countersigned by the Municipal Clerk. (*Ref. 17-502 RS Neb.*)