

## **CHAPTER 1 – CIVIL ADMINISTRATION**

### **ARTICLE 1 – CITY ADMINISTRATION**

- 1-101 CORPORATE EXISTENCE**
- 1-102 SEAL; OFFICIAL CORPORATE**
- 1-103 BONDS; CONDITIONS**
- 1-104 BLANKET BOND**
- 1-105 CITY OFFICIALS; OATH OF OFFICE**
- 1-106 COPYING PUBLIC RECORDS**

### **ARTICLE 2 – ELECTED OFFICIALS**

- 1-201 MAYOR; SELECTION AND DUTIES**
- 1-202 CITY COUNCIL; PRESIDENT AND VICE-PRESIDENT; ACTING PRESIDENT**
- 1-203 CITY COUNCIL; SELECTION AND DUTIES**
- 1-204 CITY COUNCIL; CHANGE IN OFFICE; SUBSEQUENT MEETINGS**
- 1-205 VACANCY; ELECTIVE OFFICE**
- 1-206 VACANCY; MAYOR**
- 1-207 RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE**
- 1-208 VACANCY DUE TO UNEXCUSED ABSENCES**

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

- 1-301 APPOINTMENT; REMOVAL**
- 1-302 MERGER OF OFFICES**
- 1-303 ADMINISTRATOR-CLERK-TREASURER POSITION CREATED**
- 1-304 CITY CLERK**
- 1-305 CITY TREASURER**
- 1-306 CITY ADMINISTRATOR**
- 1-307 CITY POLICE CHIEF**
- 1-308 CITY LAW ENFORCEMENT OFFICER**
- 1-309 CITY FIRE CHIEF**
- 1-310 SPECIAL ENGINEER**
- 1-311 CITY STREET SUPERINTENDENT**
- 1-312 CITY UTILITY SUPERINTENDENT**
- 1-313 CITY BUILDING INSPECTOR**
- 1-314 ZONING ADMINISTRATOR**
- 1-315 CITY ATTORNEY**

### **ARTICLE 4 – MEETINGS**

- 1-401 DEFINED**
- 1-402 PUBLIC BODY DEFINED**
- 1-403 OPEN MEETINGS**
- 1-404 RIGHTS OF PUBLIC**
- 1-405 CLOSED SESSIONS**
- 1-406 SPECIAL MEETINGS**

- 1-407 EMERGENCY MEETINGS
- 1-408 NOTICE TO NEWS MEDIA
- 1-409 REGULAR MEETING; DAY AND TIME; QUORUM
- 1-410 CHANGE IN OFFICE
- 1-411 ORGANIZATIONAL MEETING
- 1-412 ORDER OF BUSINESS
- 1-413 PARLIAMENTARY PROCEDURE
- 1-414 RULES OF DEBATE
- 1-415 MINUTES
- 1-416 VOTES
- 1-417 VIDEOCONFERENCING; WHEN ALLOWED
- 1-418 TELEPHONE CONFERENCE CALLS; WHEN ALLOWED

#### **ARTICLE 5 – ORDINANCES, RESOLUTIONS, AND MOTIONS**

- 1-501 GRANT OF POWER
- 1-502 STYLE
- 1-503 TITLE
- 1-504 INTRODUCTION
- 1-505 READING; PASSAGE
- 1-506 PUBLICATION OR POSTING
- 1-507 CERTIFICATE OF PUBLICATION OR POSTING
- 1-508 EFFECTIVE DATE; EMERGENCY ORDINANCES
- 1-509 AMENDMENTS AND REVISIONS
- 1-510 RESOLUTIONS AND MOTIONS

#### **ARTICLE 6 – ELECTIONS**

- 1-601 JOINT, GENERAL
- 1-602 JOINT, GENERAL; NOTICE
- 1-603 SPECIAL CITY ELECTION
- 1-604 CANDIDATE QUALIFICATIONS
- 1-605 COUNCIL MEMBERS
- 1-606 WARDS
- 1-607 FILING FEE
- 1-608 PETITION, WRITE-IN AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES
- 1-609 BALLOTS
- 1-610 CERTIFICATE OF NOMINATION OR ELECTION
- 1-611 VOTER QUALIFICATIONS
- 1-612 EXIT POLLS
- 1-613 RECALL PROCEDURE

#### **ARTICLE 7 – FISCAL MANAGEMENT**

- 1-701 FISCAL YEAR
- 1-702 PUBLIC FUNDS DEFINED
- 1-703 DEPOSIT OF FUNDS
- 1-704 INVESTMENT OF FUNDS
- 1-705 CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS

- 1-706 CREDIT CARDS; ELECTRONIC FUNDS TRANSFERS; AUTHORITY TO ACCEPT
- 1-707 CLAIMS
- 1-708 WARRANTS
- 1-709 EXPENDITURES
- 1-710 BOND ISSUES
- 1-711 SINKING FUNDS
- 1-712 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE
- 1-713 SPECIAL ASSESSMENT FUND
- 1-714 DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY
- 1-715 CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS
- 1-716 ANNUAL AUDIT; FINANCIAL STATEMENTS
- 1-717 GENERAL FUND
- 1-718 BUDGET STATEMENT; APPROPRIATIONS
- 1-719 BUDGET MANUAL; INCORPORATED BY REFERENCE
- 1-720 PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY; CORRECTION
- 1-721 EXPENDITURES PRIOR TO ADOPTION OF BUDGET
- 1-722 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION
- 1-723 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX
- 1-724 REVISION OF BUDGET
- 1-725 EMERGENCY; TRANSFER OF FUNDS
- 1-726 PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION
- 1-727 ALL-PURPOSE LEVY
- 1-728 PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET
- 1-729 PROPERTY TAX LEVY; CERTIFICATION OF AMOUNT
- 1-730 PROPERTY TAX LEVY; INADEQUATE VALUATION
- 1-731 PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED
- 1-732 MOTOR VEHICLE TAX
- 1-733 SALES TAX

#### **ARTICLE 8 – COMPENSATION**

- 1-801 CITY OFFICIALS
- 1-802 CONTRACTS; CONFLICT OF INTEREST; DEFINITIONS
- 1-803 CONTRACTS; CONFLICT OF INTEREST; CONDITIONS

#### **ARTICLE 9 – PENAL PROVISION**

- 1-901 VIOLATION; PENALTY

### **CHAPTER 1 – CIVIL ADMINISTRATION**

#### **Article 1 – City Administration**

## **SECTION 1-101: CORPORATE EXISTENCE**

The City of Gretna, Nebraska, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class.

## **SECTION 1-102: SEAL; OFFICIAL CORPORATE**

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

## **SECTION 1-103: BONDS; CONDITIONS**

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.

B. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the City and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the City Council, and all sureties are endorsed in writing on the said instrument by the mayor and city clerk pursuant to the said approval of the City Council.

C. The premium on any official bond required to be given may be paid out of the General Fund or other proper city fund by resolution of the City Council at the beginning of any city year.

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. Any official who is reelected to office shall be required to file a new bond after each election.

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

### **SECTION 1-104: BLANKET BOND**

The bonds for city officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The City shall pay the premium for such bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the City Council requiring such bond or undertaking and on such terms and conditions as may be required. (Neb. Rev. Stat. §11-103 through 11-118, 17-604)

### **SECTION 1-105: CITY OFFICIALS; OATH OF OFFICE**

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

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

(Neb. Rev. Stat. §11-101)

### **SECTION 1-106: COPYING PUBLIC RECORDS**

Pursuant to Neb. Rev. Stat. §84-712(3)(b), the City may charge a fee which shall not exceed the actual cost of making copies available to citizens and others who request copies of public records. The mayor and City Council have determined that the fee structure for reviews and submittals to the City should be revised as herein set forth.

A. The reasonably calculated actual costs of photocopies shall be 25¢ per page.

B. For complete copies of the Gretna Municipal Code, Zoning Regulations, and/or Subdivision Regulations, the fee shall be \$30.00 per book.

C. If copies requested in accordance with subsection (A) or (B) of this section are estimated by the custodian of such public records to cost more than \$50.00, the City may require the requestor to furnish a deposit prior to the filling of such request. Such deposit shall be the reasonably calculated estimated cost as established by subsection (A) or (B).

(Ord. No. 909, 5/1/07)

## **Article 2 – Elected Officials**

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

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 shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His/her signature must appear on the city clerk's minutes of all meetings, and he/she must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds 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 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 law enforcement officer of the City. 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. 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. (Neb. Rev. Stat. §17-110 through 17-117)

### **SECTION 1-202: CITY COUNCIL; PRESIDENT AND VICE-PRESIDENT; ACTING PRESIDENT**

A. At the first regular meeting in December following the general election in every even-numbered year, the Council shall elect one of its members as president, who shall be ex officio mayor, and another as vice-president, who shall serve in the absence of the president and vice-president. In the absence of the president and vice-president, the Council may elect a temporary chairperson.

B. Both the president and 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 binding upon the City Council, and upon the City as if done by the elected mayor.

(Neb. Rev. Stat. §17-148, 19-617) (Am. by Ord. No. 759, 4/16/02)

### **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. (Neb. Rev. Stat. §17-103, 17-104)

### **SECTION 1-204: CITY COUNCIL; CHANGE IN OFFICE; SUBSEQUENT MEETINGS**

A. At the first regular meeting in December following the general election in every even-numbered year, the Council shall meet in the usual place for holding meetings and the newly elected Council Members shall assume the duties of their office. Thereafter the Council shall meet at such time and place as it may prescribe by ordinance.

B. 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 offices, and this report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the City shall be represented by at least two Council members. No person shall be eligible who is not at the time of his/her election an actual resident of the ward for which he/she was elected, his/her office shall thereby become vacant.  
(Neb. Rev. Stat. §17-104, 17-107.01, 19-613, 19-615) (Am. by Ord. No. 758, 4/16/02)

### **SECTION 1-205: VACANCY; ELECTIVE OFFICE**

A. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560 except as provided in Neb. Rev. Stat. §32-561. (Neb. Rev. Stat. §32-560)

B. Except as otherwise provided, vacancies in city elected offices shall be filled by the mayor and 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 Council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or by posting in three public places in the city the office vacated and the length of the unexpired term.

C. The mayor shall, within four weeks after the meeting at which such notice of vacancy has been presented or upon the death of the incumbent, call a special meeting of the 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 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 Council shall continue to vote upon such nominations until the vacancy is filled. The mayor shall cast his or her vote for or against the nominee in the case of a tie vote of the Council. All Council members present shall cast a ballot for or against the nominee. Any member of the

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.

D. The mayor and Council may, in lieu of filling a vacancy in a City elected office as provided in this section, call a special city election to fill such vacancy.

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

(Neb. Rev. Stat. §32-569) (Am. by Ord. Nos. 281, 9/18/84; 417, 1/22/91; 760, 4/16/02)

#### **SECTION 1-206: VACANCY; MAYOR**

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 the case of temporary absence, until the mayor returns.

B. When the successful candidate for mayor shall be unable to assume office, the incumbent mayor shall not be entitled to hold over the term; 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 herein.

(Neb. Rev. Stat. §17-107, 32-568)

#### **SECTION 1-207: RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE**

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

B. For purposes of this section:

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

C. No candidate for member of the Legislature or an elective office described in



Article IV, Section 1 or 20, or Article VII, Section 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 a nomination by a political party or by party convention, caucus, or committee to fill a vacancy, or to be a declared 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 political party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus, or committee to fill a vacancy, or to be declared a write-in candidate for more than one high elective office to be filled at the same election.

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

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

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

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

H. Notwithstanding subsections (E) through (G) of this section, any person holding more than one high elective office upon September 13, 1997, shall be entitled to serve the remainder of all terms for which he/she was elected or appointed.  
(Neb. Rev. Stat. §17-108.02, 32-109, 32-603, 32-604) (Ord. No. 416, 1/22/91) (Am. by Ord. No. 647, 2/16/99)

## **SECTION 1-207: VACANCY DUE TO UNEXCUSED ABSENCES**

A. In addition to the events listed in Neb. Rev. Stat. §32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the Council, unless the absences are excused by a majority vote of the remaining members. (Neb. Rev. Stat. §19-3101)

B. The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either a written request from the member submitted to the city clerk or a motion of any other council member.

C. If a council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the city clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the Council shall set a date for a hearing and direct the city

clerk to give the member notice of the hearing by personal service or first-class mail to the member's last-known address.

D. At the hearing, the council member shall have the right to present information on why one or more of the absences should be excused. If the Council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the Council.

(Ord. No. 809, 5/6/03)

## **Article 3 – Appointed Officials**

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

A. 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. Such officers may be removed from office by the mayor. The terms of office for all officers, except regular police officers, appointed by the mayor and confirmed by the Council shall be until the end of the mayor's term of office and until their successors are appointed and qualified unless sooner removed. The mayor, by and with the consent of the City Council, shall appoint such a number of regular law enforcement 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. A city utility superintendent shall be appointed annually at the first regular meeting of the City Council in December, whose term of office shall be for one year or until his or her successor is appointed and qualified.

(Neb. Rev. Stat. §§ 17-107, 17-541) (Am. by Ord. Nos. 602, 6/3/97; 1034, (3/4/14)

### **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 of 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 city manager in a city under the city manager plan of government as provided by law may in his or her discretion 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 of 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. (Neb. Rev. Stat. §17-108.02) (Am. by Ord. No. 418, 1/22/91)

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

The appointive offices of city clerk, city treasurer and city administrator may be combined and merged. 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. 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. (Am. by Ord. No. 957, 7/7/09; 993, 2/2/11)

## **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/she shall keep a record of all outstanding bonds against the City 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 City 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 City Council.

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

C. The city clerk shall permit no records, public papers, or other documents of the City kept and preserved in his/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/she shall keep all the records of the 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 the records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He/she shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings shall be properly docketed. Included in his/her records shall be all standard codes, amendments thereto, and other documents incorporated by reference, arranged in triplicate in a manner convenient for reference. 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 are 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.

D. The city clerk shall deliver all warrants, ordinances, and resolutions under his/her charge to the mayor for his/her signature. He/she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said officers, employees, or committees. With the seal of the City, he/she shall duly attest the mayor's signature to all ordinances, deeds, and papers required to be attested

to when ordered to do so by the City Council. Within 30 days after any meeting of the City Council, the city clerk shall prepare, and publish the official proceedings in a legal newspaper of general circulation in the City and which was duly designated as such by the Council. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He/she shall then keep in a book with a proper index copies of all notices required to be published or posted by the city clerk by order of the City Council or under the ordinances of the City. To each of the file copies of said notices shall be attached the printer's affidavit of publication if the said notices are required to be published or the city clerk's certificate under seal where the same are required to be posted only.

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

F. The city clerk may charge a reasonable fee for certified copies of any record in his/her office as set by resolution of the City Council. He/she shall destroy City records under the direction of the State Records Board pursuant to Neb. Rev. Stat. §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.

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712) (Am. by Ord. No. 453, 3/16/93)

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

A. The city treasurer shall be the custodian of all money belonging to the City. He/she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He/she shall also file copies of such receipts with his or her monthly reports. The city treasurer shall, at the end of every month, and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He/she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him/her, which warrants, with any and all vouchers held by him/her shall be filed with his or her account in the city clerk's office. If the city treasurer neglects or fails, for the space of ten days from the end of each month, to render his or her account, the office shall be declared vacant, and the City Council shall fill the vacancy by appointment until the next election for City officers. (Neb. Rev. Stat. §17-606)

B. All warrants upon the city treasurer shall be paid in the order of their presen-

tation therefore and as otherwise provided in Neb. Rev. Stat. §77-2201 through 77-2215. (Neb. Rev. Stat. §77-2201)

1. The city treasurer shall keep a warrant register in the form required by Neb. Rev. Stat. §77-2202.
2. The city treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office. (Neb. Rev. Stat. §77-2209)
3. The city treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the treasurer is insufficient to pay the warrants registered, he/she shall close the account for that year in the register and shall carry forward the excess. (Neb. Rev. Stat. §77-2210)

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

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

E. The city treasurer shall keep all money belonging to the City separate and distinct from his or her own money. He/she shall invest and collect all money owned by or owed to the City as directed by the City Council. He/she shall maintain depository evidence that all City money is, in the name of the City, in a solvent and going financial institution of a type authorized by state law for deposit of City funds. He/she shall cancel all bonds, coupons, warrants, and other evidences of debt against the City, whenever paid by him/her, by writing or stamping on the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He/she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the county treasurer a monthly report as to the collection of delinquent taxes.  
(Am. by Ord. No. 761, 4/16/02)

## **SECTION 1-306: CITY ADMINISTRATOR**

There is hereby created the office of city administrator as designated in Section 1-303. The city administrator shall be appointed by the mayor with the approval of a majority of the City Council. The city administrator shall perform all of the duties heretofore and hereafter adopted by the mayor and Council, which shall include but not be limited to the following:

A. The city administrator is the chief administrative officer and finance director of the City and is responsible for ensuring the efficient and effective implementation of City

Council policies and priorities. This position is responsible for the daily operation and overall administration of city government by providing management and guidance to all city department heads and through the direct supervision of all city personnel. An incumbent in this position is also responsible for advising and assisting the mayor and City Council in determining and implementing strategic and economical forecasts for the City.

B. Acts as the budget director for the City by preparing the annual operating budget for the City through coordination and cooperation with the city department heads and city auditor with approval of the mayor and City Council.

C. Acts as the personnel administrator for the City by preparing all information for all personnel actions of city employees including hiring, disciplining, and terminating, etc. for approval by the mayor and City Council; interprets, applies, and enforces employee handbook and policy manual position classification system, salary administration program, and the performance evaluation system with approval of the mayor and City Council; conducts and coordinates annual performance reviews for all city employees and makes recommendations to the City Council regarding annual advancement in compensation.

D. Is responsible for being an active participant and member of various committees and meetings; is deeply involved in researching, strategizing, planning, and overseeing numerous activities and projects in support of the City of Gretna's strategic plan; attends various seminars and conferences to maintain awareness and keep abreast of changes for municipal/public administration functions and responsibilities; represents the City at conferences and civic meetings as directed by the mayor and City Council.

E. Acts as manager of city business by ensuring effective/efficient implementation of City Council policies, plans, directions, and priorities; coordinating City's departments and employees; working with city legal counsel to negotiate and administer various contracts with final approval by mayor and City Council; working with city legal counsel, engineer, department heads, fiscal agent, mayor and City Council to determine strategic and economic forecasts for the City and to prioritize projects and activities, control costs, and prepare City's long- and short-term improvement plans and recommendations; developing program policies and procedures to ensure effective implementation of city ordinances and departmental/city operations by applying local, state and federal law; working with city attorney on legal matters affecting the operation/administration of city government; coordinating economic development of the City; coordinating, preparing, and administering grants and intergovernmental funding; representing City by serving as a liaison for legislative issues the City of Gretna as directed by the mayor and City Council.

F. Plans and directs an active public relations program as approved by the mayor and City Council including but not limited to press releases, public appearances, and addressing the concerns of citizens, community groups and representatives of organizations; represents the City of Gretna by serving as a liaison to all public and private entities.

(Ord. No. 957, 7/7/09, 993, 2/2/11)

## **SECTION 1-307: CITY POLICE CHIEF**

If the City maintains a police force, the mayor shall appoint a police chief with the con-

sent of the City Council. Such chief shall direct the police work of the City and shall be responsible for the maintenance of law and order. He/she shall act as health inspector and building inspector, except in the event the City appoints another person. He/she shall file the necessary complaints in cases arising out of violations of city ordinances and shall make all necessary reports required by city ordinances or state laws. In lieu of the appointment of a police chief, the City Council may arrange for the Sarpy County Sheriff's Office to assume the functions and duties of the police chief. (Neb. Rev. Stat. §17-107, 17-121)

### **SECTION 1-308: CITY LAW ENFORCEMENT OFFICER**

The city police or any law enforcement officer acting under a contract for police protection, 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 jail facility designated by the Council, or some other place to prevent their escape until trial can be held before the proper state or city official. 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 law enforcement officer 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. The city law enforcement officers shall have the duty to file such complaints and reports as may be required by city ordinances and state laws. Any city law enforcement officer who shall willfully fail, neglect, or refuse to make an arrest, or who purposely and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the City Council to retain any city law enforcement officer in that position after he/she shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska, or any ordinance of the City, except minor traffic violations. It shall be the duty of every city law enforcement officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners shall be restored to them upon their release. If the city maintains a police force, suitable uniforms and badges shall be furnished to the officers by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his/her badge to the police chief. The City Council may from time to time provide the city police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. (Neb. Rev. Stat. §17-213, 17-118, 17-124)

### **SECTION 1-309: CITY FIRE CHIEF**

The City fire chief shall be elected by the members of the Fire Department, and approved by the City Council. He/she shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He/she shall within two days investigate the cause, origin, and circumstances of fires arising within his/her jurisdiction. He/she shall, on or before the first day in April and October of each year, cause the secretary to file with the city clerk, and the clerk of the District Court a certified copy of the rolls of all members in good standing in their re-

spective companies in order to obtain the exemptions provided by law. He/she shall have the power during the time of a fire, and for a period of 36 hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself/herself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the fire chief or assistant fire chief. The fire chief or assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The fire chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his/her jurisdiction for the purpose of examining the same for fire hazards, and related dangers. (Neb. Rev. Stat. §17-147, 17-505, 35-102, 35-108, 81-406, 81-412)

### **SECTION 1-310: 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, or culverts and for the building, constructing, or repairing of any public improvement of the City. 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. He/she shall, when directed by the City Council, inspect all works of public improvement, and if found to be properly done, shall accept the same, and report his/her acceptance to the City Council. He/she shall estimate the cost of all proposed city utilities and public improvements, together with any extensions thereof which the City Council may propose to construct or improve. (Neb. Rev. Stat. §17-405, 17-568, 17-919)

### **SECTION 1-311: CITY STREET SUPERINTENDENT**

The city street superintendent shall, subject to the orders and directives of the City Council, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the City, and shall perform such other duties as the 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 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. (Neb. Rev. Stat. §17-107, 17-119)

### **SECTION 1-312: CITY UTILITY SUPERINTENDENT**

A utility superintendent shall be appointed in the event that there is more than one city utility and the City Council determines that it is in the best interest of the City to appoint one official to have the immediate control over all the said city utilities. The utility superintendent may be removed at any time by a two-thirds vote of the Council. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner



provided herein for the appointment of city officials. The superintendent's duties over the following departments shall be as stated herein:

### **Water Department**

He/she 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 wells and pump houses, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the City. All actions, decisions, and procedures of the utility superintendent shall be subject to the general directives and control of the City Council. The utility superintendent 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. At least once every six months he/she shall make a detailed report to the City Council of the condition of the said water system, including 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 superintendent. He/she shall perform such additional duties as may be prescribed by the City Council.

### **Sewer Department**

The utility superintendent shall have the immediate control and supervision over all the employees and property that make up the city sewer system, subject to the general control and directives of the City Council. He/she shall inspect and supervise all repairs made to the city sewer system. At least every six months, he/she shall 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.

(Neb. Rev. Stat. §17-107, 17-119, 17-541, 17-543) (Am. by Ord. No. 995, 12/7/10)

### **SECTION 1-313: CITY BUILDING INSPECTOR**

The City building inspector shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with 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 it 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 1-314: ZONING ADMINISTRATOR**

The mayor shall appoint a zoning administrator who shall be charged with the authority and responsibility of administering, establishing rules of procedure for, and enforcing the terms of the Zoning Ordinance and the Subdivision Regulations. The zoning administrator shall receive all applications for permits to construct, alter, repair, occupy and use or change the use of land, buildings and structures when the provision of the regulations have been complied with; and shall deny any permit which would allow violations of the terms of the regulations. He/she shall issue all necessary notices or orders to cease illegal use or construction of land, buildings or structures as required to insure compliance with the intent and terms of the regulations. He/she shall receive for the City, applications and fees for amendments to the zoning map and transmit such applications to the city planner or planning official as required by the regulations.

#### **SECTION 1-315: 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. He/she shall attend meetings of the City Council acting in the capacity of parliamentarian 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. When requested to do so by the City Council, he/she shall also examine 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 do not conflict with subsisting local laws insofar 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 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. (Neb. Rev. Stat. §17-610) (Ord. No. 993, 2/2/11)

### **Article 4 – Meetings**

#### **SECTION 1-401: 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. (Neb. Rev. Stat. §84-1409(2)) (Am. by Ord. No. 263, 10/18/83)

## **SECTION 1-402: PUBLIC BODY DEFINED**

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

1. The City Council,
2. All independent boards, commissions, bureaus, committees, councils, 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. (Neb. Rev. Stat. §84-1409(1)) (Am. by Ord. No. 454, 3/16/93)

## **SECTION 1-403: OPEN MEETINGS**

A. All public meetings as defined by law shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place.

B. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public by a method designated by the City Council or by the mayor if the Council 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 city clerk. Except for items of an emergency nature, the agenda shall not be enlarged later than 24 hours before the scheduled commencement of the meeting. The City Council shall have the right to modify the agenda to include items of an emergency nature only, at such public meetings. The minutes of the city clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting.

C. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the city clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted, or that the member was absent and did not vote. (Neb. Rev. Stat. §84-1408, 84-1409, 84-1411, 84-1413) (Am. by Ord. No. 263, 10/18/83)

## **SECTION 1-404: RIGHTS OF PUBLIC**

A. Subject to the provisions of this subsection, 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 sessions called pursuant to Section 1-405 (Closed Sessions), 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.

C. 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 him- or herself.

D. No public body shall, for the purpose of circumventing the provisions of this subchapter, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

E. 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.

F. No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if a member entity of the public body is located outside of this state and the other requirements of Neb. Rev. Stat. §84-1412 are met.

G. 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.

H. 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. They shall also 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.

(Neb. Rev. Stat. §84-1412) (Am. by Ord. Nos. 263, 10/18/83; 308, 10/1/85; 764, 4/16/02)

## **SECTION 1-405: CLOSED SESSIONS**

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

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. 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.

B. 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 their negotiators in closed sessions authorized under subsection (A) of this section.

C. Any member of the 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 the protection of the public interest or 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.

D. 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 and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this Article.

E. 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.

(Neb. Rev. Stat. §84-1410) (Am. by Ord. Nos. 263, 10/18/83; 455, 3/16/93; 516, 3/6/95)

## **SECTION 1-406: SPECIAL MEETINGS**

A. 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.

B. 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 6 herein. (Neb. Rev. Stat. §17-106) (Ord. No. 309, 10/1/85)

### **SECTION 1-407: 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 1-408 (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. (Neb. Rev. Stat. §84-1411) (Am. by Ord. No. 263, 10/18/83)

### **SECTION 1-408: NOTICE TO NEWS MEDIA**

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

### **SECTION 1-409: REGULAR MEETING; DAY AND TIME; QUORUM**

The meetings of the City Council shall be held in the City Hall. Regular meetings shall be held on the first and third Tuesday of each month at the hour of 7:00 P.M. 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, provided that on the request of any two members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the mayor, if present, or by the president of the Council if the mayor is absent. In the absence of both the mayor and the president of the Council, the City Council members shall elect a president pro tempore. (Neb. Rev. Stat. §17-105, 17-106) (Ord. No. 309, 10/1/85) (Am. by Ord. Nos. 544, 1/16/96; 569, 7/16/96; 886, 4/4/06)

### **SECTION 1-410: 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 moneys, belonging to the same. (Neb. Rev. Stat. §17-107.02(9))

## **SECTION 1-411: ORGANIZATIONAL MEETING**

A. The newly elected Council shall convene at the City Hall on the first regular meeting in December of each year in which a city election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The mayor elected for the new City year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "president of the Council." The mayor shall then nominate his/her candidates for appointive offices. He/she 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 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.

B. At the organizational meeting of the City Council, the mayor shall appoint members of the Council to act as liaison to particular departments and commissions. The liaison members shall serve a term of office of one year, unless reappointed. Liaison members shall be appointed or reappointed for the following departments and commissions:

1. Parks and Recreation
2. Planning Commission (Industrial and Commercial Development)
3. Sewer Streets
4. Water

## **SECTION 1-412: ORDER OF BUSINESS**

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

## **SECTION 1-413: PARLIAMENTARY PROCEDURE**

The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the City Council. When any person is called to order, he/she 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/her seat and address himself/herself to the presiding officer and while speaking shall confine himself/herself to the question. When two or more per-

sons 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 city clerk, or any member of the City Council. Every member of the City Council, who is present when a question is voted upon, shall cast his/her vote unless excused by a majority of the City Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the City Council 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 City Council. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the City Council seconding the said resolution, motion, or ordinance. 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 regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded 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 City Council for meetings may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the City Council shall decide all procedural disputes that may arise.

#### **SECTION 1-414: RULES OF DEBATE**

A. *Getting the floor; improper references to be avoided:* Every council member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all indecorous language.

B. *Interruptions:* A member, once recognized, shall not be interrupted when speaking, unless it is to call to order or as otherwise provided in this article. If a member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined and, if in order, shall be permitted to proceed.

C. *Yielding the floor:* A council member having the floor shall yield the same for a point of order addressed to the chair, a question of personal privilege raised by any member, or any inquiry for information addressed to the chair. He/she may, upon request of any other member, temporarily yield the floor for any interrogation or a statement by any member, at the conclusion of which he/she will again be entitled to the floor.

D. *Limitation on debate:* The Council may, by a general rule, limit debate or discussion on any mater, or may, by motion adopted at the time, limit debate or discussion on any particular subject or motion, and may, by majority vote of the members present, extend any such limit. No member shall speak more than once on any subject under discussion without the permission of the presiding officer.

E. *Privilege of closing debate:* The Council member moving for the adoption of an ordinance or resolution shall have the privilege of closing the debate.



F. *Motion to reconsider*: A motion to reconsider any action taken by the Council may be made at any time prior to approval of the minutes of the meeting at which such motion was made. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions, and it shall be debatable. Nothing in this section shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

G. *Remarks of Council member entered in minutes*: A council member may request, through the mayor, the privilege of having an abstract of his/her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

H. *Synopsis of debate entered in minutes*: The city clerk may be directed by the mayor, with consent of the Council, to enter in the minutes a synopsis of the discussion of any question coming regularly before the Council.

I. *Motions to adjourn*: A motion to adjourn shall always be in order and shall be decided without debate.

## **SECTION 1-415: MINUTES**

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

## **SECTION 1-416: VOTES**

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by the City utilizing an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public. The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (Neb. Rev. Stat. §17-616, 84-1413)

## **SECTION 1-417: VIDEOCONFERENCING, WHEN ALLOWED**

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

1. Reasonable advance publicized notice is given;
2. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input

such as public comment or questions to at least the same extent as would be provided if videoconferencing were not used;

3. At least one copy of all documents being considered is available to the public at each site of the videoconference;
4. At least one member of the governing body or advisory committee is present at each site of the videoconference; and
5. No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

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

C. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

D. "Videoconferencing" shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. Rev. Stat. §84-1409, 84-1411) (Ord. No. 576, 6/3/97) (Am. by Ord. No. 710, 7/6/00)

## **SECTION 1-418: TELEPHONE CONFERENCE CALLS; WHEN ALLOWED**

A. A meeting of the governing body of an entity formed under the Inter-local Cooperation Act or the Joint Public Agency Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

1. The territory represented by the member public agencies of the entity or pool covers more than one county;
2. Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;
3. All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;
4. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
5. At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

6. At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;
7. The telephone conference call lasts no more than one hour; and
8. No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

B. Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls shall not be used to circumvent any of the public government purposes established in Neb. Rev. Stat. §84-1408 to 84-1414. (Neb. Rev. Stat. §84-1411(3)) (Ord. No. 709, 7/6/00) (Am. by Ord. No. 731, 4/3/01)

## **Article 5 – Ordinances, Resolutions, and Motions**

### **SECTION 1-501: 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 manufactories. (Neb. Rev. Stat. §17-505) (Am. by Ord. No. 577, 6/3/97)

### **SECTION 1-502: STYLE**

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

### **SECTION 1-503: TITLE**

No ordinance shall contain a subject not clearly expressed in its title. (Neb. Rev. Stat. §7-614)

### **SECTION 1-504: INTRODUCTION**

Ordinances shall be introduced by members of the City Council in one of the following ways:

A. With the recognition of the mayor, a member may, in the presence and hearing of a majority of the members elected to the City Council, read aloud the substance of the proposed ordinance and file a copy with the city clerk for future consideration; or

B. With the recognition of the mayor, a member may present the proposed ordinance to the clerk who, in the presence and hearing of a majority of the members elected to the City Council, shall read aloud the substance of the ordinance and file it for future consideration.

(Am. by Ord. No. 578, 6/3/97)

### **SECTION 1-505: READING; PASSAGE**

Ordinances of a general or permanent nature shall be read by title on three different

days unless three-fourths of the City 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 ordinance shall be read by title and then moved for final passage. Three-fourths of the City Council may require a reading of any ordinance in full before enactment under either procedure set out in this section. 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 City Council. On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the City Council, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the City Council shall be required. All appointments of the officers by the City Council shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, or the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a City which utilizes an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public. (Neb. Rev. Stat. §17-614, 17-616) (Am. by Ord. Nos. 517, 3/6/95; 579, 6/3/97)

### **SECTION 1-506: PUBLICATION OR POSTING**

All ordinances of a general nature shall, before they take effect, be published one time, within 15 days after they are passed:

A. 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; or

B. In book or pamphlet form.  
(Neb. Rev. Stat. §17-613) (Am. by Ord. Nos. 327, 11/1/86; 580, 6/3/97)

### **SECTION 1-507: 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, and by whom, and where the same was posted. (Neb. Rev. Stat. §17-613)

### **SECTION 1-508: 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 15 days after the passage of the ordinance.

B. In the case of riot, infectious 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 three-fourths vote of the City Council, and be entered of record on the city clerk's minutes.

## **SECTION 1-509: 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. (Neb. Rev. Stat. §17-614) (Am. by Ord. No. 582, 6/3/97)

## **SECTION 1-510: RESOLUTIONS AND MOTIONS**

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the members elected to the Council. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Council. 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.

# **Article 6 – Elections**

## **SECTION 1-601: JOINT, GENERAL**

The general city election shall be held in accordance with the provisions of Neb. Rev. Stat. Chapter 32. The City Council has determined, by ordinance duly adopted, to hold the city election in conjunction with the statewide primary election, held on the first Tuesday after the second Monday in May of each even numbered year. Prior to February 1 of the year, in which the first such joint election takes place, the City Council 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 city clerk for city election purposes. (Neb. Rev. Stat. §19-621, 32-505, 32-4,147)

## **SECTION 1-602: JOINT, GENERAL; NOTICE**

The county election commissioner shall publish in a newspaper designated by the County Board the notice of the election no less than 40 days prior to the primary or general election. This notice will serve the notice requirement for all city elections which are held in conjunction with the County. (Neb. Rev. Stat. §32-402.01)

## **SECTION 1-603: SPECIAL CITY ELECTION**

A. Except as provided in Neb. Rev. Stat. §77-3444, any issue to be submitted to the registered voters at a special election by the City shall be certified by the city clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. Any other special election shall be subject to subsection (C) of this section.

C. In lieu of submitting the issue at a special election, the City may submit the issue at a statewide primary or general election or at any scheduled county election, ex-

cept that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the city clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election.

D. After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the city clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the election commissioner or county clerk shall certify the election results to the City Council. The canvass by the County Canvassing Board shall have the same force and effect as if made by the City Council. (Neb. Rev. Stat. §32-559)

E. Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election.  
(Neb. Rev. Stat. §32-405) (Am. by Ord. Nos. 282, 9/18/84; 583, 6/3/97; 844, 6/1/04)

#### **SECTION 1-604: CANDIDATE QUALIFICATIONS**

Any person seeking elected office in the City shall be a registered voter prior to holding such office and in addition shall have reached the age of majority. The mayor and members of the Council shall be residents and qualified electors of the City. They shall not hold any other public elective public office, except for officers of public power districts, public power and irrigation districts, and public utility companies. (Neb. Rev. Stat. §17-108.02, 32-4,157) (Ord. No. 282, 9/18/84)

#### **SECTION 1-605: COUNCIL MEMBERS**

Council members shall be elected from the City at large unless the residents have voted to elect their council members by wards. A council member shall serve for a term of four years and shall be a resident and qualified elector. If the election of the Council takes place by wards, each nominee for Council shall be a resident and qualified elector of the ward for which he/she is a candidate, and only residents of that ward may sign the candidate's nomination petitions. (Neb. Rev. Stat. §5-108)

#### **SECTION 1-606: WARDS**

The wards of the City shall be set by ordinance from time to time to reflect shifts in population and to provide for equality in each election. The actual boundaries of the Wards shall be on file at the office of the city clerk.

## **SECTION 1-607: FILING FEE**

Prior to the filing of any nomination papers, there shall be paid to the city treasurer a filing fee which shall amount to 1% 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 \$500.00 per year. No nominating papers shall be filed until the proper city 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. (Neb. Rev. Stat. §32-513)

## **SECTION 1-608: PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES**

A. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. Rev. Stat. §32-621 or by nomination by political party convention or committee.

B. Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. Rev. Stat. §32-625(2) and the candidate files for the office by petition as prescribed in this section or files as a write-in candidate as prescribed in Neb. Rev. Stat. §32-615. (Neb. Rev. Stat. §32-615)

C. Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the ward in which the officer is to be elected, if candidates are chosen by ward, or residing in the City, if candidates are not chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the filing fee required pursuant to Neb. Rev. Stat. §32-608. The petitions shall be filed by September 1 in the year of the general election. (Neb. Rev. Stat. §32-617)

D. The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least ten percent of the total number of registered voters voting for governor or president of the United States at the immediately preceding general election in the ward in which the officer is to be elected or in the City, as appropriate.

E. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for governor or president of the United States at the immediately preceding general election within the City, not to exceed 2,000.

(Neb. Rev. Stat. §32-618) (Am. by Ord. Nos. 282, 9/18/84; 648, 2/16/99; 810, 5/6/03)

## **SECTION 1-609: BALLOTS**

The county election commissioner shall provide printed ballots for every general city election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the City. (Neb. Rev. Stat. §32-417, 32-418)

## **SECTION 1-610: CERTIFICATE OF NOMINATION OR ELECTION**

A. The election commissioner, county clerk, or city clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the canvassing board has declared to have received the highest vote for each City office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves.

B. A certificate of election prepared by the city clerk shall be in the form as nearly as possible prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the mayor, under the seal of the City, and countersigned by the clerk.  
(Neb. Rev. Stat. §19-3041, 32-558, 32-1033) (Am. by Ord. No. 704, 7/6/00)

## **SECTION 1-611: 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. (Neb. Rev. Stat. §17-602, 32-102)

## **SECTION 1-612: EXIT POLLS**

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance of any polling place room or, if inside the polling place building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1221) (Ord. No. 312, 10/1/85)

## **SECTION 1-613: RECALL PROCEDURE**

A. For purposes of this section: "Filing clerk" shall mean the election commissioner or county clerk. (Neb. Rev. Stat. §32-1301)

B. The mayor, a member of the City Council, and any other elected official of the city may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.

C. The recall procedure and special election provisions of such sections shall apply to members of the City Council who are elected by ward. Only registered voters of such member's ward may sign a recall petition or vote at the recall election. The recall election shall be held within the member's ward. When a member of the City Council is



nominated by ward in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election. (Neb. Rev. Stat. §32-1302)

D. A petition demanding that the question of removing the mayor, a member of the City Council, or any other elected official of the City be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

E. Petition circulators shall conform to the requirements of Neb. Rev. Stat. §32-630.

F. The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed, shall include in typewritten form in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall deliver a copy of the affidavit by certified mail to the official sought to be removed. If the official chooses, he/she may submit a defense statement in typewritten form in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the affidavit. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

G. The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

H. Petition signers shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question. (Neb. Rev. Stat. §32-1303)

I. Each petition paper shall conform to the requirements of Neb. Rev. Stat. §32-1304.

J. The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators.

K. Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose. (Neb. Rev. Stat. §32-1305)

L. If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the City Council that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the Council shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the city within 90 days of the expiration of the five-day period, the Council shall provide for the holding of the removal election on the same day. After the Council sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held. (Neb. Rev. Stat. §32-1306)

M. The form of the official ballot at a recall election shall conform to the requirements of Neb. Rev. Stat. §32-1307.

N. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts.

O. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and state law.

P. If the election results show a margin of votes equal to one percent or less between the removal or retention of the official in question, the secretary of state, election commissioner, or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the election commissioner or county clerk that he/she does not want a recount.

Q. If there are vacancies in the offices of a majority or more of the members of the City Council at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the secretary of state, election commissioner, or county clerk.

R. No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same City Council during the remainder of his or her term of office. (Neb. Rev. Stat. §32-1308)

S. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office. (Neb. Rev. Stat. §32-1309)  
(Am. by Ord. No. 282, 9/18/84; 679, 4/20/99; 812, 5/6/03; 851, 6/1/04)

## **Article 7 – Fiscal Management**

### **SECTION 1-701: FISCAL YEAR**

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the City Proprietary Function Act. (Neb. Rev. Stat. §17-701) (Am. by Ord. No. 545, 1/16/96)

### **SECTION 1-702: PUBLIC FUNDS DEFINED**

“Public funds” shall mean all money, including non-tax money, used in the operation and functions of governing bodies. For purposes of a county, city, or village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the county, city, or village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503) (Ord. No. 518, 3/6/95)

### **SECTION 1-703: DEPOSIT OF FUNDS**

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

B. The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions:

1. A bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof,
2. Security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions.

C. The City Council shall approve such bond or giving of security. The city treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. (Neb. Rev. Stat. §17-607)

D. The insurance afforded to depositors in banks, capital stock financial institu-

tions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation, and for deposits so insured, no other surety bond or other security shall be required. (Neb. Rev. Stat. §77-2362)

E. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

(Neb. Rev. Stat. §17-607, 77-2362) (Am. by Ord. Nos. 656, 2/16/99; 766, 4/16/02; 819, 5/6/03; 846, 6/1/04; 850, 6/1/04)

## **SECTION 1-704: 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 in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking funds exceeds the amount necessary to pay the principle and interest of any such bonds which become due during the current year, the governing body 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. (Neb. Rev. Stat. §17-608, 17-609, 21-1316.01, 77-2341) (Am. by Ord. No. 394, 11/21/89)

## **SECTION 1-705: CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS**

The city treasurer may, upon resolution of the mayor and City Council authorizing the same, purchase certificates of deposit from and make time deposits in any bank, capital stock financial institution, or qualifying mutual financial institution in the State of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation, and the amount of the excess deposit shall be secured by a bond or by security given in the same manner as is provided for cities of the first class in Neb. Rev. Stat. §16-714 to 16-716. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions. (Neb. Rev. Stat. §17-720) (Ord. No. 657, 2/16/99) (Am. by Ord. No. 767, 4/16/02)

## **SECTION 1-706: CREDIT CARDS; ELECTRONIC FUNDS TRANSFERS; AUTHORITY TO ACCEPT**

A. The City Council may authorize city officials to accept credit cards, charge cards, or debit cards, whether presented in person or any electronically, or electronic funds transfers as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. Rev. Stat. §77-1702.

B. The total amount of such taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card, charge card, debit card, or electronic funds transfer shall be collected by the city official.

C. With respect to a facility which it operates in a proprietary capacity, the City

Council may choose to accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a means of cash payment and may adjust the price for services to reflect the handling and payment costs.

D. For each transaction, the city official shall obtain authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

E. The City Council may choose to participate in the state contract for such payment services. If the Council chooses not to participate in the state contract, it may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card or debit card companies, or third-party merchant banks for the provision of such services.

F. When authorizing acceptance of credit card or charge card payments, the City Council shall be authorized but not required to impose a surcharge or convenience fee upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the City, but the surcharge or convenience fee shall not exceed the surcharge or convenience fee imposed by the credit card or charge card companies or third-party merchant banks which have contracted with the state or under subsection (E) of this section. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the City by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of such surcharge or convenience fee shall be deemed voluntary by such person and shall be in no case refundable. If a payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the city official shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment.

G. For purposes of this section, "electronic funds transfer" means the movement of funds by non-paper means, usually through a payment system, including but not limited to an automated clearinghouse or the Federal Reserve's Fed-wire system.  
(Neb. Rev. Stat. §13-609) (Ord. No. 659, 2/16/99) (Am. by Ord. No. 818, 5/6/03)

## **SECTION 1-707: CLAIMS**

A. 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. Notwithstanding the above, no claim or demand shall be disallowed if the City Council, prior to presentation of the claim to the City Council, has approved the claims of a particular claimant for the year, or if the City Council has approved a maximum dollar amount that can be paid to a particular claimant each month. Such prior approval shall be given only in those cases where the claims will become delinquent or past due if the usual presentation, approval and payment procedures are used.

B. 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.

(Neb. Rev. Stat. §17-714, 17-715)

### **SECTION 1-708: WARRANTS**

Except as provided in Section 1-711, all warrants drawn upon the City treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn, and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

### **SECTION 1-709: EXPENDITURES**

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

### **SECTION 1-710: BOND ISSUES**

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

### **SECTION 1-711: 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. (Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

## **SECTION 1-712: 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. Failure to receive such notice shall not relieve the taxpayer from any liability to pay 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.

(Neb. Rev. Stat. §18-1216) (Ord. No. 586, 6/3/97)

## **SECTION 1-713: SPECIAL ASSESSMENT FUND**

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

## **SECTION 1-714: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY**

A. The City may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §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 col-

lection 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 be \$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.

(Neb. Rev. Stat. §45-623) (Ord. No. 483, 5/17/94)

### **SECTION 1-715: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS**

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

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

C. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into:

1. For enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or
2. For the purchase of equipment used in the construction of such enlargement or general improvements.

D. A city electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. \$30,000.00 or less;



2. \$60,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00;
3. \$90,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
4. \$120,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

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

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

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, 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.

H. Any city bidding procedure may be waived by the City Council:

1. When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the State bidding procedure in Neb. Rev. Stat. §81-145 to 81-162 or
2. When the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

I. Notwithstanding any other provisions of law or a home rule charter, a City which has established, by an inter-local agreement with any county, a joint purchasing division or agency may purchase personal property without competitive bidding if the

price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection:

1. "Personal property" includes, but is not limited to, supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and
2. "Purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means.

(Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756) (Am. by Ord. Nos. 264, 10/18/83; 622, 10/7/97; 658, 2/16/99)

## **SECTION 1-716: ANNUAL AUDIT; FINANCIAL STATEMENTS**

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. Such audit shall be made on a cash or accrual method at the discretion of the City Council. The said audit shall be completed, and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit not less than three copies of the audit report to the 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. 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. Such unaudited statement shall be filed with the auditor of public accounts in a form prescribed by him/her. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the city clerk and shall at all times thereafter be open and subject to public inspection. Every city council that is required herein to submit to an audit of its accounts shall provide and file with the city clerk, not later than August 1 of each year, financial statements showing its actual and budgeted figures for the most recently completed fiscal year. (Neb. Rev. Stat. §19-2901 through 19-2909, 13-606) (Am. by Ord. No. 283, 9/18/84)

## **SECTION 1-717: GENERAL FUND**

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

## **SECTION 1-718: BUDGET STATEMENT; 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. (Neb. Rev. Stat. §17-706) (Am. by Ord. Nos. 482, 5/17/94; 547, 1/16/96)

## **SECTION 1-719: BUDGET MANUAL; INCORPORATED BY REFERENCE**

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 1-720: PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY; CORRECTION**

A. The City Council shall prepare in writing and file with the city clerk, not later than August 1 each year on forms prescribed and furnished by the auditor of public accounts, a proposed budget statement containing the following information, except as provided by state law:

1. For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: (a) the unencumbered cash balance at the beginning and end of the year; (b) the amount received by taxation of personal and real property; and (c) the amount of actual expenditures;
2. For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: (a) the actual unencumbered cash balance available at the beginning of the year; (b) the amount received from personal and real property taxation; and (c) the amount of actual and estimated expenditures, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget exclusive of capital outlay items;
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: (a) the actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; (b) the amounts proposed to be expended during the year; and (c) the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;
4. A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property: (a) for the purpose of paying the principal or interest on bonds issued by the City Council and (b) for all other purposes;
5. A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the 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; such proprietary functions shall have a separate budget statement which is approved by the City Council as provided in the Municipal Proprietary Function Act.

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

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

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

(Neb. Rev. Stat. §13-505) (Am. by Ord. Nos. 283, 9/18/84; 479, 5/17/94; 584, 6/3/97; 650, 2/16/99; 728, 4/3/01; 814, 5/6/03)

#### **SECTION 1-721: EXPENDITURES PRIOR TO ADOPTION OF BUDGET**

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

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

(Neb. Rev. Stat. §13-509.01, 13-509.02) (Ord. No. 519, 3/6/95)

#### **SECTION 1-722: PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION**

A. The City Council shall each year conduct a public hearing on the proposed

budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the City or by direct mailing of the notice to each resident within the City.

B. After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted, or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately the amount to be applied to the payment of principal or interest on bonds issued by the City Council and the amount to be received for all other purposes.

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

D. When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.  
(Neb. Rev. Stat. §13-506, 13-507) (Am. by Ord. Nos. 651, 2/16/99; 815, 5/6/03)

### **SECTION 1-723: ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX**

A. After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the levying board on or before September 20 of each year and file with the auditor of public accounts, a copy of the adopted budget statement, together with the amount of the tax required to fund the adopted budget, setting out separately:

1. The amount to be levied for the payment of principal or interest on bonds issued by the City Council and
2. The amount to be levied for all other purposes. Proof of publication shall be attached to the statements.

B. The City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than 1% greater or lesser than the amount determined in the proposed budget statement.

C. The City Council may designate one of its members to perform any duty or responsibility required of such body by this section.  
(Neb. Rev. Stat. §13-508) (Am. by Ord. Nos. 480, 5/17/94; 546, 1/16/96; 585, 6/3/97; 652, 2/16/99)

## **SECTION 1-724: REVISION OF BUDGET**

A. Unless otherwise provided by law, the City Council may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal whenever during the current fiscal year it becomes apparent to the Council that:

1. There are circumstances which could not reasonably have been anticipated at the time the budget for the current year was adopted;
2. The budget adopted violated Neb. Rev. Stat. §13-518 to 13-522 such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. Rev. Stat. §13-518 to 13-522; or
3. The City Council has been notified by the auditor of public accounts of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

B. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the City. Such published notice shall set forth:

1. The time and place of the hearing;
2. The amount in dollars of additional or reduced money required and for what purpose;
3. A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner;
4. A copy of the summary of the originally adopted budget previously published; and
5. A copy of the summary of the proposed revised budget.

C. At such hearing, any taxpayer may appear or file a written statement protesting any additional money. A written record shall be kept of all such hearings.

D. Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the City Council, the Council shall file with the county clerk and with the auditor of public accounts a copy of the revised budget as adopted. The City Council may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as registered warrants and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

E. Within 30 days after the adoption of the budget under Neb. Rev. Stat. §13-506, the City Council may, or within 30 days after notification of an error by the auditor

of public accounts, the City Council shall correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the City Council shall file a copy of the corrected budget with the county clerk and with the auditor of public accounts. The City Council may then issue warrants in payment for expenditures authorized by the budget.

(Neb. Rev. Stat. §13-511) (Am. by Ord. No. 816, 5/6/03)

## **SECTION 1-725: EMERGENCY; TRANSFER OF FUNDS**

A. 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, the City Council may, 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 any such hearing.

B. Notice of the 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 stating 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.

C. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the City Council, said board shall file with the county clerk and the 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.

(Neb. Rev. Stat. §13-510)

## **SECTION 1-726: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION**

A. Pursuant to the City Proprietary Function Act, the City Council may prepare a proprietary budget statement for its proprietary functions separate and apart from its budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, proprietary function shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the City.

B. The City Council may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the City's general fund shall have the same fiscal year as the City. For purposes of this section, subsidization shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the City's general fund in excess of the amount paid by the City to the proprietary function for actual service or services received.

C. If the City does not include its proprietary functions in its City budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the state auditor and filed with the city clerk, at least thirty days prior to the start of the fiscal year of each proprietary function, containing the following information:

1. For the immediate two prior fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;
2. For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, 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 separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and
4. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.
5. Such statement shall contain the estimated cash reserve for each fiscal year and shall whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

D. After the proposed proprietary budget statement is filed with the city clerk, the City Council shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the city clerk during normal business hours, shall be published at least five days prior to the hearing in a newspaper of general circulation within the City Council's jurisdiction or by mailing each resident within the City Council's jurisdiction.

E. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the city clerk within 20 days after its adoption and published in a newspaper of general circulation within the City Council's jurisdiction



or by mailing to each resident within the City Council's jurisdiction.

F. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the City Council shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the city clerk and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the City Council's jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

G. Any income from a proprietary function which is transferred to the general fund of the City shall be shown as a source of revenue in the city budget statement created pursuant to the Nebraska Budget Act.

(Neb. Rev. Stat. §18-2803 to 18-2808) (Ord. No. 481, 5/17/94)

#### **SECTION 1-727: ALL-PURPOSE LEVY**

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy of \$1.05 on each one hundred dollars upon the actual valuation of all taxable property in the City, except intangible property. (Neb. Rev. Stat. §19-1309)

#### **SECTION 1-728: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET**

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

B. The hearing notice shall contain the following information:

1. The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;
2. The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and
3. The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

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

D. Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606. (Neb. Rev. Stat. §77-1601.02) (Ord. No. 587, 6/3/97) (Am. by Ord. Nos. 655, 2/16/99; 705, 7/6/00)

### **SECTION 1-729: PROPERTY TAX LEVY; CERTIFICATION OF AMOUNT**

The City Council shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the taxable value of all the taxable property of the City which the City requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. Subject to Neb. Rev. Stat. §77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of the amounts specified in Neb. Rev. Stat. §17-702. (Neb. Rev. Stat. §17-702) (Am. by Ord. No. 653, 2/16/99)

### **SECTION 1-730: PROPERTY TAX LEVY; INADEQUATE VALUATION**

If the valuation of the City has been reduced so that the maximum levy permitted by this article is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the City Council of petitions signed by a majority of the registered voters of the City requesting such action and specifying the extent to, and the period of time, not to exceed five years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the City Council. The Council shall cause such petitions, accompanied by the certificate of the county clerk that he/she has examined the petitions and that they have been signed by a majority of the registered voters of the City, to be filed with the County Board of the county in which the City is located. After such filing, the City Council may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Neb. Rev. Stat. §19-1309)

### **SECTION 1-731: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED**

A. Property tax levies for the support of the City for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this subsection, except as provided in subsection (C). The City may levy a maximum of \$0.45 per \$100.00 of taxable valuation of property subject to the levy, plus an additional \$0.05 per \$100.00 of taxable valuation to provide financing for the City's share of revenue required under an agreement or agreements executed pursuant to the Inter-local Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. Rev. Stat. §51-301; museum pursuant to Neb. Rev. Stat. §51-401; visiting community nurse, home health nurse, or home health agency pursuant to Neb. Rev. Stat. §71-1637; or statue, memorial, or monument pursuant to Neb. Rev. Stat. §80-202. Property tax levies for any judgment obtained against the City, except judgments or orders from the Commission of Industrial Relations, which require or obligate the City to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the City, for pre-existing lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport, are not included in the levy limits established by this subsection. The limitations on tax levies provided in this subsection are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the

only exceptions to the limits in this subsection are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. Rev. Stat. §77-1606 unless approved under subsection (C). (Neb. Rev. Stat. §77-3443)

B. All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, and off-street parking districts established under the Off-Street Parking District Act may be allocated property taxes as authorized by law which are authorized by the City and are counted in the municipal levy limit provided by subsection (A), except that such limitation shall not apply to property tax levies for pre-existing lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport. For off-street parking districts established under the Off-Street Parking District Act, the tax shall be counted in the allocation by the City proportionately, by dividing the total taxable valuation of the taxable property within the district by the total taxable valuation of the taxable property within the City, multiplied by the levy of the district. The City Council shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The City Council may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the City may be exceeded as provided in subsection (F).

C. On or before August 1, all political subdivisions subject to municipal levy authority under this subsection shall submit a preliminary request for levy allocation to the City Council. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the City Council of the political subdivision. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in Neb. Rev. Stat. §77-3444 to exceed the final levy allocation as determined in this subsection.

D. The City Council shall adopt a resolution by a majority vote of members present, which determines a final allocation of levy authority to its political subdivisions; and forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

E. No final levy allocation shall be changed after September 1 except by agreement between both the City Council and the governing body of the political subdivision whose final levy allocation is at issue. (Neb. Rev. Stat. §77-3443)

F. The City may exceed the limits provided in subsection (A) by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

G. The City Council may call for the submission of the issue to the voters:

1. By passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the Council and delivering a copy of the resolution to the county clerk or election commissioner of every county

which contains all or part of the City; or

2. Upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the City, requesting an election, signed by at least five percent of the registered voters residing in the City.

H. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in subsection (A) and the duration of the excess levy authority. The excess levy authority shall not have duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk or election commissioner no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election.

I. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the county clerk or election commissioner on or after May 1, 1998, the petition shall be in the form as provided in Neb. Rev. Stat. §32-32-628 through 32-631.

J. Any approved excess levy authority shall terminate pursuant to its terms on a vote of the City Council to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in subsection (H), whichever is earliest.

K. The City Council may pass no more than one resolution calling for an election during any one calendar year. Only one election may be held in any one calendar year pursuant to a petition initiated. The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. Rev. Stat. §77-3444.

L. If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in subsection (A), but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the City Council shall not impose such tax.

M. The City may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

N. The City Council may call for the submission of the issue to the voters:

1. By passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the City Council and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the City; or
2. Upon request of a petition by the county clerk or election commissioner of

every county containing all or part of the City requesting an election, signed by at least five percent of the registered voters residing in the City.

O. The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.

(Neb. Rev. Stat. §77-3444) (Ord. No. 654, 2/16/99) (Am. by Ord. No. 817, 5/6/03)

### **SECTION 1-732: MOTOR VEHICLE TAX**

The City Council may levy a tax on all motor vehicles owned or used in such city, which tax shall be paid to the county treasurer of the county in which such city is located when the registration fees as provided in Sections 60-329 to 60-339, R.S. Neb. are paid. Such taxes shall be credited by county treasurer to the road fund of such city. Such funds shall be used by such city for constructing, resurfacing, maintaining, or improving streets, road alleys, public ways, or parts thereof, for the amortization of bonded indebtedness when created for such purposes. (Neb. Rev. Stat. §18-1214) (Am. by Ord. No. 395, 11-12-89)

### **SECTION 1-733: SALES TAX**

A. There is hereby imposed and levied for the benefit of the City of Gretna a one and one-half percent (1½%) sales and use tax upon the same transactions within the corporate limits of the City of Gretna on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of the Nebraska Revenue Act of 1967, as amended from time to time. (Neb. Rev. Stat §77-27,142 *et seq.*) (Ord. No. 901, 11/21/06)

B. The sales and use tax hereby levied shall take effect on January 1, 2007, and shall apply to all taxable transactions on and after that date within the corporate limits of the City of Gretna, as said corporate limits may from time to time thereafter be constituted. (Neb. Rev. Stat § 77-27,142 *et seq.*) (Ord. No. 901, 11/21/06)

C. The administration of the sales and use tax imposed hereby, the making of return for ascertainment, assessment and collection and for the distribution of the taxes so imposed shall be as provided in the Local Option Revenue Act, Neb. Rev. Stat. §77-27,142 to 77-17,148, as amended from time to time. (Neb. Rev. Stat §77-27,142 *et seq.*) (Ord. No. 901, 11/21/06)

## **Article 8 – Compensation**

### **SECTION 1-801: 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. (Neb. Rev. Stat. §17-108.02, 17-612)

## **SECTION 1-802: CONTRACTS; CONFLICT OF INTEREST; DEFINITIONS**

“Business association” shall mean a business:

A. In which the individual is a partner, limited liability company member, director, or officer; or

B. In which the individual or a member of the individual’s immediate family is a stockholder of closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than a 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. An individual who occupies a confidential professional relationship protected by law shall be exempt from this definition. This definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker. (Neb. Rev. Stat. §49-1408)

“Immediate family” shall mean a child residing in an individual’s household, a spouse of an individual, or an individual claimed by that individual or that individual’s spouse as a dependent for federal income tax purposes. (Neb. Rev. Stat. §49-1425)

“Officer” shall mean a member of any board or commission of the City which spends and administers its own funds, who is dealing with a contract made by such board or commission; or any elected city official. “Officer” does not mean a volunteer firefighter or ambulance driver with respect to his/her duties as a firefighter or ambulance driver.

## **SECTION 1-803: CONTRACTS; CONFLICT OF INTEREST; CONDITIONS**

A. Except as provided in Neb. Rev. Stat. §49-1499.04 or 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of such contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the county attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within one year after the contract is signed or assigned. The 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 Council has benefited thereby.

B. The prohibition in subsection (A) above shall apply only when the officer or his or her parent, spouse, or child (1) has a business association with the business involved in the contract; or (2) will receive a direct pecuniary fee or commission as a result of the contract.

C. Subsection (A) of this section does not apply if the contract is an agenda item approved at a meeting of the governing body and the interested officer:

1. Makes a declaration on the record to the governing body 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 matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matters; and
3. Does not act for the governing body which is a party to the contract as to inspection or performance under the contract in which he/she has an interest.

C. An officer who has no business association with the business involved in the contract or will not receive a direct pecuniary fee or commission as a result of the contract shall not be deemed to have an interest within the meaning of this section.

D. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes 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.

E. If an officer's parent, spouse, or child is an employee of the officer's governing body, the officer may vote on all issues of the contract which are generally applicable to (1) all employees or (2) all employees within a classification and do not single out his or her parent, spouse, or child for special action.

F. Neb. Rev. Stat. §49-14,102 shall not apply to contracts covered by this section. (Neb. Rev. Stat. §49-14,103.01)

G. The person charged with keeping records for the governing body shall maintain separately from other records a ledger containing the information listed in subsections (1) through (5) herein about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to subsection (C) of this section. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include:

1. The names of the contracting parties;
2. The nature of the interest of the officer in question;
3. The date that the contract was approved by the governing body;
4. The amount of the contract; and
5. The basic terms of the contract.

H. The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pur-

suant to this subsection shall be available for public inspection during the normal working hours of the office in which it is kept. (Neb. Rev. Stat. §49-14,103.02)

I. An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by subsection (G) of this section shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for the governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section. (Neb. Rev. Stat. §49-14,103.03)

J. Notwithstanding Section 1-802 and subsections (A) through (I) of this section, the governing body may prohibit contracts over a specific dollar amount in which an officer of the governing body may have an interest. (Neb. Rev. Stat. §49-14,103.05)

K. The City Council may exempt from subsections (A) through (I) of this section, contracts involving \$100.00 or less in which an officer of such Body may have an interest.

(Neb. Rev. Stat. §49-14,103.06) (Am. by Ord. Nos. 244, 10/19/82; 265, 10/18/83; 274, 11/15/83; 284, 9/18/84; 328, 11/18/86; 763, 4/16/02)

## **Article 9 – Penal Provision**

### **SECTION 1-901: 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 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.