

CHAPTER 1 - ADMINISTRATIVE

Article 1. Elected Officials

§1-101 CITY MAYOR; SELECTION AND DUTIES; TERM. The Mayor of the Municipality shall have the general, and immediate control over all property, and officials, whether elected, or appointed, of the Municipality. He shall preside at all meetings of the City Council, and may vote when his vote shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His signature must appear on the Municipal Clerk's minutes of all meetings, and he must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; Provided, any ordinance vetoed by the Mayor may be passed over his veto by a two-thirds (2/3) 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 objections in writing at the next regular Council meeting, the same shall become a law without his signature. He shall from time to time communicate to the Council such information and recommendations as, in his opinion, may improve the Municipality. He may require at reasonable intervals any Municipal official to exhibit his accounts and make reports to the Council on any subject pertaining to his office. He shall have the power to remit fines or pardon any offense arising under the ordinances of the Municipality. He may remove at any time an appointed police officer of the Municipality. His territorial authority shall extend over all places within five (5) miles of the corporate limits of the Municipality for the enforcement of any health ordinance, and one half (½) mile in all matters vested in him except taxation. He shall also have such other duties as the City Council may by resolution confer upon him, or in any other matters which the laws of the State of Nebraska repose in him. The Mayor shall be elected as provided in the Election Act and shall serve for a term of four (4) years or until his or her successor is elected and qualified. The Mayor shall take office on the date of the first regular meeting of the City Council held in December following the statewide general election. The Mayor shall be a resident and registered voter of the Municipality. (*Ref. 17-107, 17-110 thru 17-117, 32-533 RS Neb.*)(*Amended by Ord. No. 603, 5/8/12*)

§1-102 CITY COUNCIL; ACTING PRESIDENT. The City Council shall elect one (1) of its own body each year who shall be styled the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor, and the President of the Council, the City Council shall elect one (1) of its own body to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council, and all acts of the President of the Council, or Acting President of the Council, while so acting, shall be as binding upon the City Council, and

upon the Municipality as if done by the elected Mayor. (*Ref. 17-148 RS Neb.*)

§1-103 CITY COUNCIL; SELECTION AND DUTIES. The members of the City Council shall be elected and serve for a four (4) year term. The City Council shall be the legislative division of the Municipal Government, and shall perform such duties, and have such powers as may be authorized by law. The City Council shall maintain the peace, regulate business, protect the public health and safety, and assess such taxes and fees as are necessary and appropriate in the exercise of these functions. (*Ref. 17-103, 17-104 RS Neb.*)

§1-104 CITY COUNCIL; ORGANIZATION. City Council members of this Municipality shall take office, and commence their duties on the first regular meeting in December following their election. The newly elected Council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter prescribed and perfect the reorganization of the City Council as herein provided, and all appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the Municipal Clerk shall report to the City Council the names of all City Council members-elect who have qualified for their respective offices, and this report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the Municipality shall be represented by at least two (2) Council members. No person shall be eligible who is not at the time of his election an actual resident of the ward for which he is qualified and should any City Council member move from the ward from which he was elected, his office shall thereby become vacant. (*Ref 17-104 RS Neb.*)

§1-105 ELECTED OFFICIALS; VACANCY. Vacancies in city elected offices shall be filled by the Mayor and Council for the balance of the unexpired term except as provided in this section. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall appear as a part of the minutes of such meeting.

The City Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three (3) public places in the City the office vacated and the length of the unexpired term.

The Mayor shall within four (4) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the City Council at which time the Mayor shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

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

Upon a majority vote of approval by the City Council the vacancy shall be filled.

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

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

The Mayor and Council may, in lieu of filling a vacancy in a City office as provided above in this section, call a special Municipal Election to fill such vacancy.

If there is a vacancy in the offices of a majority of the members of the City Council, there shall be a special Municipal Election conducted by the Secretary of State to fill such vacancies. (*Ref. 32-4,152, 32-1406 RS Neb.*)

§1-106 ELECTED OFFICIALS; MAYOR; VACANCY. Whenever a vacancy occurs in the office of Mayor, or in case of his disability or absence, the President of the Council shall exercise the office of Mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns.

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

If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in section 1-105. (*Ref 17-107, 17-115 RS Neb.*)

§ 1-107 ELECTED OFFICIALS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE. (1) The Mayor and members of the Council shall hold no other elective or appointive office or employment with the City.

(2) For purposes of this section, (a) 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 (b) 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.

(3) 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.

(4) Except as provided in subsection (5) or (7) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(5) 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.

(6) 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.

(7) No person serving in a high elective office shall simultaneously serve in any other high elective office.

(8) Notwithstanding subsections (5) through (7) 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 or she was elected or appointed. (*Ref 17-108.02, 32-109, 32-603, 32-604 RS Neb.*) (*Ord. No. 383, 1/8/91*)(*Amended by Ord. No. 515, 8/4/98*)

Article 2. Appointed Officials

§1-201 APPOINTED OFFICIALS; APPOINTMENT; TERMS; REMOVAL; POWERS; DUTIES.

. (1) The Mayor, with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. The Mayor, by and with the consent of the City Council, shall appoint such a number of regular police officers as may be necessary. The City Council may establish and provide for the appointment of members of a law enforcement reserve force as provided by law. The appointed officers, except regular police officers, hold the office to which they have been appointed until the end of the Mayor's term of office and until their successors are appointed and qualified unless sooner removed.

(2) If the Mayor and City Council appoint any of the officials specified in this chapter or any other officials, the officials shall have the powers and duties, if any, provided in this chapter or as otherwise provided by city ordinances and state law.

(3) All police officers and other appointed officials may be removed at any time by the Mayor, except that if the Municipality has a Municipal Water Commissioner, he or she may at any time, for sufficient cause, be removed from office by a two-thirds (2/3) vote of the City Council. (*Ref 17-107, 17-541, 17-604, 81-1438 RS Neb.*)(*Amended by Ord. No. 480, 8/5/97; Amended by Ord. No. 604, 5/8/12*)

§1-202 APPOINTED OFFICIALS; MERGER OF OFFICES. The Governing Body 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/administrator in a city under the city manager/administrator 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.

(2) When there is no acting City Administrator pursuant to §1-208 of this code, the City Council may by resolution delegate any or all of the duties of the City Administrator to a

person or officer named in the resolution to serve at the will of the council as City Administrator for the duties so delegated, whether contained in §1-208 or elsewhere in this code. *Ref 17-108.02 RS Neb.) (Amended by Ord. No. 385, 1/8/91; Amended by Ord. No. 599, 9-7-2010)*

§1-203 APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED.

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

§ 1-204 APPOINTED OFFICIALS; MUNICIPAL CLERK. The Municipal Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. He shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his 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 shall file all official bonds after the same shall have been properly executed, and approved. He shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

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

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

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

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

The Municipal Clerk shall receive all objections to creation of paving districts, and other street improvements. He shall receive the claims of any person against the

Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk shall notify such claimant, his agent, or attorney by letter within five (5) days after such disallowance, and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

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

§ 1-205 APPOINTED OFFICIALS; MUNICIPAL TREASURER. The Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He shall keep all money belonging to the Municipality separate, and distinct from his own money. He shall keep a separate account of each fund or appropriation, and the debits, and credits belonging thereto. He shall issue duplicate receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury a receipt therefore, specifying the date of payment, and the account paid. One of the receipts shall be filed with his monthly report, and the last copy of the said receipt shall be kept on file in his office. His books, and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him, by writing, or, stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cashbook shall be footed and balanced daily, and he shall adopt such bookkeeping methods as the Governing Body shall prescribe. He shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing Body. (*Ref 17-606 thru 17-609, 84-712 RS Neb.*)

§1-206 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT. The Municipal Treasurer shall at the end of each, and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by him. He shall also produce depository evidence that all Municipal money is in a solvent, and going bank in

the name of the Municipality. If the Municipal Treasurer shall neglect or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time he shall read and file his monthly report. *(Ref 17-606 RS Neb.)*

§1-207 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT. The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the first (1st) day of August of each year a report of the activities of his office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the debit, or credit balance of the Municipality. *(Ref 19-1101 RS Neb.)*

§1-208 APPOINTED OFFICIALS; CITY ADMINISTRATOR. The City Administrator shall be appointed by and with the consent of a majority of the City Council. He or she shall be the administrative head of the Municipal Government under the direction and control of the Mayor and City Council and shall be responsible to the Mayor and City Council for the efficient conduct of his/her office. The duties of the City Administrator shall be as follows:

- (1) To supervise the management of all the departments and employees of the City.
- (2) To act as the personnel officer for the City.
- (3) To keep an inventory of all property, real and personal, owned by the City.
- (4) To act as purchasing agent for the purchase of all supplies, goods, wares and merchandise, equipment and material that may be required for the various departments or services of the City.
- (5) To keep the Mayor and City Council fully advised as to the financial condition and needs of the City; to review all expenditures and revenues; and prepare the annual budget.
- (6) To confer with and assist all City employees on various operating and administrative problems.
- (7) To serve as public relations officer of the City and in such capacity to endeavor to investigate and adjust all complaints filed against the City and any employee or service thereof and to cooperate with all community organizations, if, in the judgment of the Administrator such attendance is necessary and desirable.
- (8) To prepare information for City Council meeting agenda items and to meet with the Mayor and City Council in regular and special meetings. At such meetings the City Administrator will report any matters concerning City affairs; to analyze the functions, duties and activities of the employees and services of the City; and to recommend policy and procedure changes.
- (9) To appoint, dismiss and discipline, when necessary, all employees of the City.

(10) To assign tasks of a non-emergency to all City employees and to monitor all work assignments given.

(11) To perform the duties of the Utilities Superintendent and/or Building Inspector in the absence of a specific appointment to such position(s).

(12) To administer and be responsible for all departments and divisions of the City, which are under the Mayor's and City Council's direction, including all Public Utilities presently owned or hereafter acquired by the City, including the Fire and Police Departments. The office of Municipal Attorney and Municipal Physician shall not come under the administration and responsibility of the City Administrator; provided, however, said City Administrator is to be available to assist those offices in any administrative matter that may arise and those officers in return shall be available to assist the City Administrator in the discharge of his or her duties.

(13) To recommend to the Mayor and City Council the adoption, repeal or amendment of ordinances.

(14) To recommend to the Mayor and City Council a compensation plan for City employees.

(15) To approve and schedule vacations for all City employees, except power plant operators.

(16) To designate City holidays, subject to the approval of the Mayor and City Council.

(17) To advertise and solicit bids for all contracts for goods, services, maintenance and construction of all types for the City and to ensure the proper performance of all obligations concerning the City.

(18) To explore all possible avenues concerning economic development for the City and to assist any group, committee or organization in exploring and pursuing economic development opportunities.

(19) To enforce all City ordinances concerning the public, especially concerning health and sanitation, public ways and property, unsafe buildings, business regulations and zoning.

(20) To exercise general supervision over all public buildings, streets and other public property that is under the control and jurisdiction of the Mayor and City Council.

(21) To control and approve the use of the compost site.

(22) To keep the insurable property of the City appropriately insured.

(23) To assign and approve the use of City-owned vehicles.

(24) To approve all claims and expenditures submitted by City employees.

(25) To serve in any appointed office or head of department within the Municipal Government of the City if the need arises and when appointed by the Mayor and City Council and to hold and perform the duties thereof at the pleasure of the Mayor.

(26) To keep the office of the City Administrator open for public affairs during days and hours set by the Mayor and City Council.

(27) To perform such other duties as may be delegated by ordinances or resolutions of the City Council, and where action of the City Council is not required, such

duties and powers as may be prescribed by the Mayor. (*Amended by Ord. No. 552, 12/4/01*)

§1-209 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY. The Municipal Attorney is the Municipality's legal adviser, and as such he shall commence, prosecute and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body and shall advise any Municipal Official in all matters of law in which the interests of the Municipality may be involved. He shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Governing Body will be required to act, and attach thereto a brief statement in writing to all such instruments, and documents as to whether, or not, the document is in legal, and proper form. He shall prepare complaints, attend, and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he shall appear, and prosecute all cases for violation of the Municipal ordinances that have been appealed to, and are pending in any higher court. He shall also examine, when requested to do so by the Governing Body, the ordinance records, and advise, and assist the Municipal Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage, and approval are concerned. The Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. (*Ref. 17-610 RS Neb.*)

§1-210 APPOINTED OFFICIALS; MUNICIPAL PHYSICIAN. The Municipal Physician shall be a member of the Board of Health of the Municipality, and perform the duties devolving upon him as the medical adviser of the said board. In all injuries where a liability may be asserted against the Municipality, the Municipal Physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He shall then report the results of his investigation with the name of the party injured, and all other persons who may have personal knowledge of the matter. He shall make all physical examinations, and necessary laboratory tests incident thereto, and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property, and the state of health of the inhabitants therein, he shall have the right at all reasonable hours to go upon, and enter all premises, buildings, or other structures in the Municipality. He shall perform such other duties as may be required of him by the laws of the State of Nebraska, and the ordinances of the Municipality. When ordered to do so by the Governing Body he shall disinfect, or fumigate the premises, or persons in or about the premises, when the premises are quarantined, and to call upon indigent sick persons, and perform other professional services at the direction of the Governing Body. The Municipal Physician shall receive as compensation for his services

such sum as the Governing Body may from time to time set. He shall receive no compensation for his services as a member of the Municipal Board of Health. (*Ref. 17-121 RS Neb.*)

§1-211 APPOINTED OFFICIALS; MUNICIPAL POLICE CHIEF. The Municipal Police Chief shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector, and Building Inspector, except in the event the Municipality appoints another person. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances, and shall make all necessary reports required by the Municipal ordinances, or the laws of the State of Nebraska. (*Ref. 17-107, 17-121 RS Neb.*)

§1-212 APPOINTED OFFICIALS; MUNICIPAL POLICEMAN. The Municipal Police, whether regular, or special shall have the power to arrest all offenders against the laws of the State of Nebraska, or the Municipality, by day or by night, and keep the said offenders in the Municipal jail, or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska, or the Municipality. 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 Municipal Policeman shall be expected to be conversant, and knowledgeable with the Municipal and State laws and no law enforcement official shall have any interest in any establishment having a liquor license. Municipal Policemen shall have the duty to file such complaints and reports as may be required by the Municipal ordinances, and the laws of the State of Nebraska. Any Municipal Policeman who shall willfully fail, neglect, or refuse to make an arrest, or who purposely, and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the Governing Body to retain any Municipal Policeman in that position after he 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 Municipality, except minor traffic violations. It shall be the duty of every Municipal Policeman making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the Municipal Police by the Municipality. 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 shall immediately deliver his badge to the Police Chief. The Governing Body may from time to time provide the Municipal Police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. (*Ref 17-118, 17-124 RS Neb.*)

§1-213 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF. The Municipal Fire Chief shall be elected by the members of the Fire Department. He shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall, on or before the first (1st) day in April and October of each year, cause the secretary to file with the Municipal Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief, or his 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 jurisdiction for the purpose of examining the same for fire hazards, and related dangers. (*Ref 17-147, 17-505, 35-102, 35108, 81-506, 81-512 RS Neb.*)

§1-214 APPOINTED OFFICIALS; SPECIAL ENGINEER. The Governing Body may employ a Special Engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. He shall, when directed by the Governing Body, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Governing Body. He shall, upon request of the Governing Body, make estimates of the cost of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Governing Body may require. All records of the Special Engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. (*Ref 27-405, 17-568, 17-568.01, 17-919 RS Neb.*)

§1-215 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT. A Utilities Superintendent shall be appointed in the event that there is more than one City utility, and the City Council determines that it is in the best interest of the City to appoint one official to have the immediate control over all the City utilities and City streets. The Utilities Superintendent will be under the direction and supervision of the City Administrator. Any vacancy in the position of Utilities

Superintendent shall be filled by appointment by the Mayor, by and with the consent of a majority of the City Council, and the recommendation of the City Administrator. The Utilities Superintendent's duties shall be as follows:

- (1) To make sure City-owned utilities remain in operational condition.
- (2) To supervise and assist City employees in electric, water, sewer, streets, parks, cemetery and landfill operations as assigned by the City Administrator.
- (3) To respond to emergency calls concerning City-owned utilities.
- (4) To coordinate the work schedule, including the vacation schedule, of the power plant operators.
- (5) To require the power plant operators to successfully demonstrate proficiency in all aspects of operation and maintenance of the power plant machines twice every year.
- (6) To ensure all power plant machines are properly maintained.
- (7) To ensure there is an adequate supply of fuel for the powerplant operation.
- (8) To check the wastewater plant every day to ensure it is operating effectively.
- (9) To check the water wells and water tower on a regular schedule to ensure they are operating correctly.
- (10) To ensure tests at the wastewater and water plants are properly conducted in accordance with State and Federal regulations.
- (11) To perform and oversee preventative maintenance at the wastewater and water plants as well as on all public works equipment.
- (12) To perform and oversee maintenance and repairs of streets in terms of snow removal, sign placement and construction and repair of streets (but shall not be responsible for contracting for repairs or maintenance).
- (13) To monitor and maintain all water and sewer lines.
- (14) To monitor the landfill and ensure compliance as required by state and federal regulations.
- (15) To perform the duties of the Municipal Building Inspector as outlined in Section 1-216 of this Code and shall be responsible, subject to review, for issuing building permits.
- (16) To serve as Civil Defense Director for the City.
- (17) To perform other duties as required by the City Administrator and/or Mayor and City Council. *(Amended by Ord. No. 552, 12/4/01)*

§1-216 APPOINTED OFFICIALS; MUNICIPAL BUILDING INSPECTOR.

The Municipal Building Inspector shall conduct surveys and make inspections in any area of the Municipality to determine whether all buildings and structures are in compliance with the Municipal ordinances. The Building Inspector shall also perform the duties as Electrical, Plumbing and Zoning Inspector. He shall enforce all Municipal ordinances relating to the installation of plumbing, electrical wiring, connections thereto, and to Municipal Planning. He shall investigate all complaints whether they are verbal, written, or in the form of a petition alleging, and charging that a violation of the Municipal ordinances exists, and that a building, or structure is unfit, or unsafe for human habitation. The

Building Inspector is authorized upon properly identifying himself to enter, inspect, survey, and investigate between the hours of eight (8:00) o'clock A.M., and five (5:00) o'clock P.M., or, at any time if an emergency exists, or if requested by the owner, or occupant thereof. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection, and he shall prepare an annual report including statistics based on the records kept. The Building Inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer, or as an agent for the sale, lease, or rental of any real estate. The Building Inspector shall report to the Governing Body as often as they may deem necessary, and shall have such other duties, and issue such permits as they may direct. The Building Inspector may be removed at any time for good, and sufficient cause by the Governing Body. When acting in good faith and without malice in the scope of his official duties, the Building Inspector shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his official duties. *(Ref 17-107 RS Neb.)*

§1-217 APPOINTED OFFICIALS; CIVIL DEFENSE DIRECTOR. The Mayor by and with the approval of the Council shall appoint a Civil Defense Director. The term shall be for two (2) years. *(Ref 81-829.46 RS Neb.)*

Article 3. Personnel Policy

§1-301 PERSONNEL MANUAL; ADOPTED BY REFERENCE. (1) The City of Red Cloud, Nebraska has a population of approximately 1,100 people residing within its boundaries.

(2) Residents of the City have always expected and received a high level of services. The continuation of this record of service, of which we all may be justly proud, depends upon each one doing the job efficiently and effectively.

(3) Each employee, to be the most efficient, should be well informed about his own job and operation of the City department of which he or she is a part, regardless of his or her specific assignment.

(4) The City operates under the Mayor and Council form of government. The Council, acting as the elected representatives of the people, passes all ordinances and determines the general policy of the City.

(5) To facilitate the conduct of the varied City activities, the City Council employs a City Administrator for the purpose of generally managing and coordinating the proprietary business and activities of the City and for the performance of such other duties related to the governmental functions of the City as shall from time to time, be assigned to him by the Mayor and the City Council.

(6) In order for a City to operate smoothly, it is necessary that rules and regulations be adopted as a guide for the benefit of both the employees and the City Government. For that purpose, the City of Red Cloud Personnel Manual, including any amendments thereto as may be made therein from time to time was adopted by the Red Cloud City Council on November 6, 2001.

(7) The Personnel Manual is hereby incorporated by references if fully set forth herein. The Personnel Manual is available for inspection at the office of the City Clerk during normal business hours. (*Amended by Ord. No. 551, 12/4/01, repealing §§1-302 to §1-315*)

Article 4. Bonds and Oath

§1-401 BONDS; FORM. Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution; Provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Municipality. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body, and all sureties are endorsed in writing on the said instrument by the Mayor and Municipal Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records, and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond, or additional sureties to the satisfaction, and approval of the Governing Body then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Governing Body to appoint a competent, and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. *(Ref. §11-103 thru §11-118, and §17-604 RS Neb.)*

§1-402 OATH OF OFFICE; MUNICIPAL OFFICIALS. All officials of the Municipality, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

"I _____ do solemnly swear that I will support the Constitution of the United States and the Constitution of the

State of Nebraska, against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force, or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God." (Ref. §11-101 RS Neb.)

Article 5. Corporate Seal

§1-501 SEAL; OFFICIAL CORPORATE. The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription: **Seal of the City of Red Cloud, Webster County, Nebraska.** The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the Governing Body and countersigned by the Municipal Clerk. (*Ref. 17-502 RS Neb.*)

Article 6. Meetings

§1-601 MEETINGS; DEFINED. Meetings, as used in this Article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (*Ref 84-1409(2) RS Neb*)

§1-602 MEETINGS; PUBLIC BODY DEFINED. Public Body as used in this Article shall mean:

A. The Governing Body of the Municipality,

B. All independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, and

C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. (*Ref 84-1409(1) RS Neb.*)

§1-603 MEETINGS; PUBLIC. All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Mayor if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four (24) hours before the scheduled commencement of the meeting or (b) forty-eight (48) hours before the scheduled commencement of a meeting of the Governing Body scheduled outside the corporate limits of the Municipality. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session.

The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. (*Ref 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.*) (*Amended by Ord. No. 360, 10/6/87*)

§1-604 MEETINGS; CLOSED SESSIONS. (A)(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(2) 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 of 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 means a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under division (A)(1)(a) of this section.

(C) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for:

(1) The protection of the public interest or

(2) 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. (*Ref. 84-1410 RS Neb.*) (*Amended by Ord. Nos. 441, 7/6/95; 564, 1/4/05*)

§1-604.01 MEETINGS; PROHIBITED ACTS; EXEMPT EVENTS. (A) 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 this Article or the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or electronic communication shall be used for the purpose of circumventing the requirements of this Article or the Act.

(B) This Article does 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, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. (*Ref 84-1410 RS Neb.*) (*Ord. No. 564, 1/4/05*)

§1-605 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of section 1-608 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (*Ref 84-1411 RS Neb*)

§1-606 MEETINGS; MINUTES. Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. (*Ref 84-1412, 84-1413 RS Neb*)

§1-607 MEETINGS; 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 Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Governing Body 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. (*Ref 17-616, 84-1413 RS Neb.*)

§1-608 MEETINGS; NOTICE TO NEWS MEDIA. The Municipal Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that

meeting. (*Ref 84-1411 RS Neb*)

§1-609 MEETINGS; PUBLIC PARTICIPATION. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to section 1-604 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall for the purpose of circumventing the provisions of this Article hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this State. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with sections 84-1408 to 84-1414 RS Neb. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. (*Ref 84-1412, 18-2438 RS Neb.*) (*Amended by Ord Nos. 326, 11/5/85; 359, 10/6/87*)

§1-610 MEETINGS; REGULAR MEETING. (1) The meetings of the City Council shall be held in the meeting place of the municipality, as designated from time to time by the council. Regular meetings shall be held on the first Tuesday of each month at the hour of seven o'clock (7:00) p.m., unless a different date and time is set by the council.

(2) A majority of all the members elected to the City Council shall constitute a quorum for the transaction of any business, but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business. (*Ref 17-105 RS Neb.*) (*Amended by Ord. No. 462, 11/5/96; 583, 3/6/07*)

§1-611 MEETINGS; SPECIAL MEETINGS. Special meetings may be called by the Mayor, or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be

entered upon the journal by the Municipal Clerk. On filing the call for a special meeting, the Municipal Clerk shall notify the Council members of the special meeting, stating the time and its purpose. Notice of 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.

At the hour appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Council members shall elect a President pro tempore. All Ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 7 herein. (*Ref 17-106 RS Neb.*)

§1-612 MEETINGS; ORDER OF BUSINESS. All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk, the Mayor, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

§1-613 MEETINGS; PARLIAMENTARY PROCEDURE. The Mayor shall preserve order during meetings of the Governing Body and shall decide all questions of order, subject to an appeal to the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Mayor is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine himself to the question. When two (2), or more persons rise at once, the Mayor shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Governing Body. Every member of the Governing Body who is present when a question is voted upon, shall cast his vote unless excused by a majority of the Governing Body 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 Governing Body making the motion, or resolution shall be entered also. After each vote, the "Yeas" and "Nays" shall be taken, and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the

member of the Governing Body 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 (3rd) 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 Governing Body for meetings may be suspended by a two-thirds (2/3) 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 Governing Body shall decide all procedural disputes that may arise.

§1-614 MEETINGS; CHANGE IN OFFICE. The change in office shall be made as follows: The Mayor and Council shall meet on the first regular meeting date in December of each year in which a Municipal election is held and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers and moneys, belonging to the same. (*Ref 17-107.02(9) RS Neb.*)

Article 7. Ordinances, Resolutions, and Motions

§1-701 ORDINANCES, RULES, AND RESOLUTIONS; GRANT OF POWER.

The Governing Body 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 Municipality and its trade, commerce, and manufactories. *(Ref 17-505 RS Neb.) (Amended by Ord. No. 481, 8/5/97)*

§ 1-702 ORDINANCES; INTRODUCTION. Ordinances shall be introduced by members of the Governing Body in one of the following ways:

- (1) With the recognition of the Chairperson, a member may, in the presence and hearing of a majority of the members elected to the Governing Body, read aloud the substance of the proposed ordinance and file a copy with the Municipal Clerk for future consideration; or
- (2) With the recognition of the Chairperson, 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 Governing Body, shall read aloud the substance of the ordinance and file it for future consideration.

(Amended by Ord. No. 482, 8/5/97)

§1-703 RESOLUTIONS AND MOTIONS; PROCEDURE. 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 (1) 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.

§1-704 ORDINANCES; STYLE. The style of all Municipal ordinances shall be:

"Be it ordained by the Mayor and Council of the City of Red Cloud, Nebraska."

(Ref 17-613 RS Neb.)

§ 1-705 ORDINANCES; TITLE. No ordinance shall contain a subject not clearly expressed in its title. *(Ref 17-614 RS Neb.)*

§1-706 ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS; READING; PASSAGE. Ordinances of a general or permanent nature shall be read by title on three (3) different days unless three-fourths (3/4) of the Governing Body 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 (3/4) of the Governing Body 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 Governing Body. On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Governing Body, 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 Governing Body shall be required. All appointments of the officers by the Governing Body 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, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or *viva voce* vote shall be satisfied by a Municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public. (*Ref 17-614, 17-616 RS Neb.*) (*Amended by Ord. Nos. 442, 7/6/95; 483, 8/5/97*)

§ 1-707 ORDINANCES; PUBLICATION OR POSTING. All ordinances of a general nature shall, before they take effect, be published one (1) time, within fifteen (15) days after they are passed: (1) In some newspaper published in the Municipality or, if no paper is published in the Municipality, then by posting a written or printed copy in each of three (3) public places in the Municipality; or (2) In book or pamphlet form. (*Ref. 17-613 RS Neb.*) (*Amended by Ord. Nos. 340, 10/7/86; 484, 8/5/97*)

§1-708 ORDINANCES; CERTIFICATE OF PUBLICATION OR POSTING. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Municipal Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. (*Ref 17-613 RS Neb.*)

§ 1-709 ORDINANCES; EFFECTIVE DATE; EMERGENCY ORDINANCES.

(1) Except as provided in subsection (2) of this section, an ordinance for the government of the Municipality which has been adopted by the Governing Body without submission to the voters of the Municipality shall not go into effect until fifteen (15) days after the passage of the ordinance.

(2) In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Mayor and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency ordinance shall recite the emergency, be passed by a three-fourths (3/4) vote of the Governing Body, and be entered of record on the Municipal Clerk's minutes. (*Ref 17-613, 19-3701 RS Neb.*) (*Amended by Ord. No. 485, 8/5/97*)

§1-710 ORDINANCES; AMENDMENTS AND REVISIONS. No ordinance or

section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the Municipality and modifications to zoning or building districts may be adopted as otherwise provided by law. *(Ref. 17-614 RS Neb.) (Amended by Ord. No. 486, 8/5/97)*

Article 8. Elections

§1-801 ELECTIONS; GENERALLY. (A) All Municipal issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if Municipal offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All Municipal elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election. (Ref 32-556 RS Neb.)

(B) When the Municipality holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by the Municipality shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the Municipality. (Ref 32-404 RS Neb.) (Amended by Ord. No. 565, 1/4/05)

§1-801.01 ELECTIONS; ELECTION OF OFFICERS; CERTIFICATIONS REQUIRED. No later than January 5 of each even-numbered year, the City Council shall certify to the Election Commissioner or the County Clerk, on forms prescribed by such official, the name of the City, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Ref 32-404 RS Neb.) (Ord No. 565, 1/4/05)

§1-802 ELECTIONS; TERM OF OFFICE. All elected officers of the Municipality shall serve a term of four (4) years and until their successors are elected and have qualified. (Ref 17-107.02 (2) RS Neb.)

§1-803 ELECTIONS; PRIMARY ELECTION, NUMBER OF CANDIDATES FILING. If the number of candidates properly filed for nomination at the primary election does not exceed two (2) for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required. (Ref 17-107.02(4) RS Neb.)

§1-803.01 ELECTIONS; CANDIDATE FILING FORMS; DEADLINES; FILING OFFICER. (1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in subsection (2). If a candidate is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between December 1 and March 1 prior to the date of the general election. (2) Candidate filing forms shall be filed in the office of the Election

Commissioner or County Clerk. (*Ref 32-606, 32-607 RS Neb.*)

§1-804 ELECTIONS; TIE VOTES. In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (*Ref 17-107.02(6) RS Neb.*)

§1-805 ELECTIONS; GENERAL ELECTION, PREPARATION OF BALLOT. When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the County Clerk, in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

The County Clerk shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the name of the candidates shall be placed upon the general election ballot in the order of their filing. (*Ref 17-107.02(6)&(7) RS Neb.*)

§1-806 ELECTIONS; JOINT, GENERAL. The general Municipal election shall be held in accordance with the provisions of Chapter thirty-two (32), Revised Statutes of Nebraska. The Governing Body has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year. Prior to February one (1) of the year, in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. (*Ref 32-505, 32-4,147 RS Neb.*)

§1-807 ELECTIONS; JOINT, GENERAL, NOTICE. The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. (*Ref 32-402.01 RS Neb.*)

§1-808 ELECTIONS; SPECIAL, JOINT. (1) Any issue to be submitted to the registered voters at a special election by the Municipality shall be certified by the Municipal Clerk to the Election Commissioner or County Clerk at least fifty (50) days prior to the election. A special election may be held by mail as provided in sections 32-952 through 32-959 RS Neb. No special election to be conducted by the Election

Commissioner or County Clerk shall be held within thirty (30) days prior to or sixty (60) days after the statewide primary election, and no special election to be conducted by the Election Commissioner or County Clerk shall be held within thirty (30) days prior to or sixty (60) days after the statewide general election.

(2) In lieu of submitting the issue at a special election, the Municipality may submit the issue at a statewide primary or general election or at any scheduled county election, except 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 Municipal Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(3) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the Municipal 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 the 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 Governing Body. The canvass by the County Canvassing Board shall have the same force and effect as if made by the Governing Body. *(Ref 32-559 RS b.) (Amended by Ord. No. 487, 8/5/97)*

§1-809 ELECTIONS; FILING FEE. Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) percent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. *(Ref 32-513 RS Neb.)*

§1-810 ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES. (1)(a) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or before March 1 in the calendar year of the general 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. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(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. RS 32-625(2) and the candidate files for the office by petition as prescribed in subsections (2) and (3) of this section, or files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710.

(2) Petitions for nomination shall conform to the requirements of Neb. RS 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. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the municipality, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in § 34.07. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election.

(3) (a) 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 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the municipality or in the ward in which the officer is to be elected, not to exceed 2,000.

(b) 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 municipality or in the ward in which the officer is to be elected, as appropriate, not to exceed 2,000. *(Ref 32-616 through 32-618 RS Neb.) (Amended by Ord. No. 516, 8/4/98; Ord. No. 606, 5/8/12)*

§1-811 ELECTIONS; OFFICIALS. *(Repealed by Ord. No. 517, 8/4/98)*

§1-812 ELECTIONS; OFFICIALS OATH. *(Repealed by Ord No. 517, 8/4/98)*

§1-813 ELECTIONS; VOTER QUALIFICATIONS. Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. *(Ref 17-602, 32-102 RS Neb.)*

§1-814 ELECTIONS; WARDS. The Municipality shall redistrict as often as necessary using the most recent Federal Census to insure that each ward is substantially equal in population. The Municipality shall stand divided into the following wards as set forth herein:

FIRST WARD

All that portion of the City lying and being south and west of a line running from the west corporate limits along the center line of Sixth Avenue to the center line of Webster Street; running thence south in the center line of Webster Street to the center line of Fourth Avenue; and running thence east to the east corporate limits.

SECOND WARD

All that portion of the City lying and being north and east of a line running from the west corporate limits along the center line of Sixth Avenue to the center line of Webster Street; running thence south in the center line of Webster Street to the center line of Fourth Avenue; and running thence east to the east corporate limits. *(Ref 17-102 RS Neb.) (Amended by Ord. No. 397, 4/7/92)*

§1-815 ELECTIONS; COUNCIL MEMBERS. Council members shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Council members by wards. Council members shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Council members takes place by wards, each nominee for Council member shall be a resident and qualified elector of the ward for which he is a candidate, and only residents of that ward may sign the candidate's nomination petitions. *(Ref 5-108 RS Neb.)*

§1-816 ELECTIONS; BALLOTS. The County Clerk shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. *(Ref 32-417, 32-418 RS Neb.)*

§1-817 ELECTIONS; CERTIFICATE OF ELECTION. *(Repealed by Ord. No. 565, 1/4/05)*

§1-818 ELECTIONS; INABILITY TO ASSUME OFFICE. In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that

any candidate so declared elected received not less than thirty-five (35%) percent of the total number of votes cast for such office in the election. If any of the qualifications of this section are not met by the candidate to be declared elected, or reasonable notice of the winners ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (*Ref 32-537 (7) & (8) RS Neb.*)

§1-819 ELECTIONS; RECALL PROCEDURE. (1) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FILING CLERK is the Election Commissioner or County Clerk.

(2) (a) The Mayor, any member of the City Council, and any other elected official of the city may be removed from office by recall pursuant to this section.

(b) The recall procedure and special election provisions of this section 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.

(3) (a) A petition demanding that the question of removing the Mayor, a member of the City Council, or any other elected official 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 City Council 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.

(b) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(c) 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 1 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 notify the official sought to be removed by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the affidavit at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address. If the official chooses, he or 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 principal circulator or circulators shall gather the petition papers within 20 days after the receipt of the official's defense statement. 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.

(d) 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.

(e) Petition signers shall conform to the requirements of Neb. RS 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.

(4) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(5) (a) 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 as provided in division (3) of this section.

(b) 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.

(6) (a) 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. Notification of the official sought to be removed may be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address.

(b) The City Council shall order an election to be held not less than 30 nor more than 75 days after the notification of the official whose removal is sought under division (6)(a) of this section, except that if any other election is to be held in the city within 90 days after such notification, the City Council shall provide for the holding of the recall election on

the same day. All resignations shall be tendered as provided in Neb. RS 32-562. If the official whose removal is sought resigns before the recall election is held, the City Council may cancel the recall election if the City Council notifies the election commissioner or county clerk of the cancellation at least 16 days prior to the election, otherwise the recall election shall be held as scheduled.

(c) If the City Council fails or refuses to order a recall election within the time required, the election may be ordered by the district court having jurisdiction over a county in which the elected official serves. If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.

(7) The form of the official ballot at a recall election held pursuant to division (6) of this section shall conform to the requirements of Neb. RS 32-1307.

(8) (a) 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 as provided in division (9) of this section.

(b) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or 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 Neb. RS 32-567 to 32-570.

(c) If the election results show a margin of votes equal to 1% 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 filing clerk that he or she does not want a recount.

(d) If there are vacancies in the offices of a majority or more of the members of the City Council or any other governing body 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.

(e) 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 governing body during the remainder of his or her term of office.

(9) No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within 6 months after the beginning of his or her term of office or within 6 months prior to the incumbent filing deadline for the office. (*Ref. 32-1301 through 32-1309 Neb. RS*) (*Amended by Ord. No. 607, 5/8/12*)

§1-820 ELECTIONS; CANDIDATE QUALIFICATIONS. Any person seeking elected office in the Municipality 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. (*Ref 17-108.02, 32-4,157 RS Neb*)

§1-821 ELECTIONS; 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 twenty (20') feet of the entrance of any polling place room or, if inside the polling place building, within one hundred (100') feet of any voting booth. (*Ref 32-1221 RS Neb.*) (*Ord No. 326, 11/5/85*)

Article 9. Fiscal Management

§1-901 FISCAL MANAGEMENT; FISCAL YEAR. The fiscal year of the Municipality and any public utility of the Municipality commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (*Ref 17-701 RS Neb.*) (*Amended by Ord. No. 463, 11/5/96*)

§1-902 FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; CONTENTS; FILING. (1) The Governing Body shall prepare in writing and file with the Municipal Clerk, not later than the first day of August of 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:

(a) For the immediate two (2) 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: The unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

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

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

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the Governing Body and (ii) for all other purposes;

(e) 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 Governing Body; and

(f) 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 Governing Body as provided in the Municipal Proprietary Function Act.

(2) 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 Municipality as well as any funds held by the County Treasurer for the Municipality and shall be accurately stated on the proposed budget statement. *(Ref. 13-504 RS Neb.)*

(3) The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement 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. *(Ref 13-505 RS Neb.) (Amended by Ord. Nos. 488, 8/5/97; 518, 8/4/98; 546, 4/3/01)*

§1-903 FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION.

(1) After the filing of the proposed budget statement with the Municipal Clerk, the Governing Body 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 (5) days prior to the date set for the hearing in a newspaper of general circulation within the Municipality or by direct mailing of the notice to each resident within the Municipality.

(2) 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 (a) the amount to be applied to the payment of principal or interest on bonds issued by the Governing Body and (b) the amount to be received for all other purposes.

(3) 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 twenty (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.

(4) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase. *(Ref 13-506, 13-507 RS Neb.) (Amended by Ord. No. 519, 8/4/98)*

§1-904 FISCAL MANAGEMENT; ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX. (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the Governing Body 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 (a) the amount to be levied for the payment of principal or interest on bonds issued by the Governing Body and (b) the amount to be levied for all other purposes. Proof of publication shall be attached to the statements.

(2) The Governing Body, in certifying the amount required, may make allowance for delinquent taxes not exceeding five percent (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 Governing Body shall not certify an amount of tax more than one percent (1%) greater or lesser than the amount determined in the proposed budget statement.

(3) The Governing Body may designate one of its members to perform any duty or responsibility required of such body by this section. (*Ref 13-508 RS Neb.*) (*Amended by Ord Nos. 464, 11/5/96; 489, 8/5/97; 520, 8/4/98*)

§1-904.01 FISCAL MANAGEMENT; EXPENDITURES PRIOR TO ADOPTION OF BUDGET. (1) 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 Governing Body in September, the Governing Body may expend any balance of cash on hand for the current expenses of the Municipality. Except as provided in subsection (2) 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.

(2) The restriction on expenditures in subsection (1) of this section may be exceeded upon the express finding of the Governing Body that expenditures beyond the amount authorized are necessary to enable the Municipality 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 Governing Body 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 Municipality in excess of that authorized by any other statutory provision. (*Ref 13-509.01, 13-509.02 RS Neb.*) (*Ord. No. 443, 7/6/95*)

§1-905 FISCAL MANAGEMENT; BUDGET PROCEDURE. The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation.

§1-906 FISCAL MANAGEMENT; APPROPRIATIONS. The Governing Body 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 Municipality. (*Ref 17-706 RS Neb.*) (*Amended by Ord. Nos. 420, 8/2/94; 465, 11/5/96*)

§1-907 FISCAL MANAGEMENT; ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVIES. (1) The Governing Body has decided to certify to the County Clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in section 77-3442 RS Neb., the all-purpose levy shall not exceed the annual levy specified in section 19-1309 RS Neb. to be levied upon the taxable valuation of all taxable property in the Municipality.

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

(3) The Municipality shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

(4) Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Municipality may be made by the Municipality in addition to the all-purpose levy. (*Ref 19-1309 through 19-1312 RS Neb.*) (*Amended by Ord. No. 524, 8/4/98*)

§1-908 FISCAL MANAGEMENT; EXTRAORDINARY LEVY. (*Repealed by Ord. No. 524, 8/4/98*)

§1-909 FISCAL MANAGEMENT; INADEQUATE VALUATION. (*Repealed by Ord. No. 525, 8/4/98*)

§1-910 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION. (*Repealed by Ord. No. 524, 8/4/98*)

§1-911 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT.

(Repealed by Ord. No. 524, 8/4/98)

§1-912 FISCAL MANAGEMENT; PROPERTY TAX; CERTIFICATION OF AMOUNT. The Governing Body 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 Municipality which the Municipality 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 section 77-3442 RS Neb., 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 section 17-702 RS Neb. *(Ref 17-702 RS Neb.) (Amended by Ord. No. 521, 8/4/98)*

§1-913 FISCAL MANAGEMENT; EXPENDITURES. No Municipal official shall have the power to appropriate, issue, or draw any order or warrant on the Municipal 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 Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. *(Ref 17-708 RS Neb.)*

§1-914 FISCAL MANAGEMENT; CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS. (1) Except as provided in Neb. RS 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 the enlargement or improvement is assessed to the property, costing over \$30,000, shall be made unless it is first approved by the governing body.

(2) Except as provided in Neb. RS 18-412.01, before the governing body makes any contract in excess of \$30,000 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 the enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the Municipal Engineer and submitted to the governing body. In advertising for bids as provided in subsections (3) and (5) of this section, the governing body may publish the amount of the estimate.

(3) Advertisements for bids shall be required for any contract costing over \$30,000 entered into: (a) 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 the enlargement or improvement is assessed to the property; or (b) For the purchase of equipment used in the construction of the enlargement or general improvements.

(4) A Municipal Electric Utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for the

enlargement or improvement without advertising for bids if the price is: (a) \$30,000 or less; (b) \$60,000 or less and the city electric utility has gross annual revenue from retail sales in excess of \$1,000,000; (c) \$90,000 or less and the city electric utility has gross annual revenue from retail sales in excess of \$5,000,000; or (d) \$120,000 or less and the city electric utility has gross annual revenue from retail sales in excess of \$10,000,000.

(5) The advertisement provided for in subsection (3) of this section shall be published at least 7 days prior to the bid closing in a legal newspaper published in or of general circulation in the municipality, and if there is no legal newspaper published in or of general circulation in the municipality, then in some newspaper of general circulation published in the county in which the municipality is located, and if there is no legal newspaper of general circulation published in the county in which the municipality 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 municipality or county, or if no newspaper has general circulation in the county, then by posting a written or printed copy thereof in each of 3 public places in the municipality at least 7 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. RS 17-613 when adopted by a 3/4 vote of the governing body and entered of record.

(6) If, after advertising for bids as provided in this section, the governing body receives fewer than 2 bids on a contract or if the bids received by the governing body contain a price which exceeds the estimated cost, the governing body may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

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

(8) Any bidding procedure may be waived by the governing body or Board of Public Works: (a) 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. RS 81-145 through 81-162; or (b) when the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503; or (c) when required to comply with any federal grant, loan, or program.

(9) (a) Notwithstanding any other provisions of law or a home rule charter, a municipality which has established, by an interlocal 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.

(b) For the purpose of this subsection (9), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

PURCHASING or PURCHASE means the obtaining of personal property by sale, lease, or other contractual means. (*Ref 17-568.01, 17-568.02, 18-1756 RS Neb.*) (*Amended by Ord. No. 527, 8/4/98; Ord. No. 608, 5/8/12*)

§1-915 FISCAL MANAGEMENT; ANNUAL AUDIT; FINANCIAL STATEMENTS. The Governing Body shall cause an audit of the Municipal 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 Governing Body. The said audit shall be completed, and the annual audit report made not later than six (6) months after the close of the fiscal year. The accountant making the audit shall submit not less than three (3) copies of the audit report to the Governing Body. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Municipality as well as an opinion by the accountant with respect to the financial statements. Two (2) copies of the annual audit report shall be filed with the Municipal Clerk, and shall become a part of the public records of the Municipal Clerk's office, and will at all times thereafter, be open for public inspection. One (1) copy shall be filed with the Auditor of Public Accounts. Every Governing Body that is required-herein to submit to an audit of its accounts shall provide and file with the Municipal Clerk, not later than August 1 of each year, financial statements showing its actual and budgeted figures for the most recently completed fiscal year. (*Ref 19-2901 through 19-2909, 13-606 RS Neb.*)

§1-916 FISCAL MANAGEMENT; CLAIMS. All claims against the Municipality shall be presented to the Governing Body in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the Municipality in any action brought against it for an unliquidated claim which has not been presented to the Governing Body 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 eighty-five percent (85%) of the current levy for the purpose for which it is

drawn unless there shall be sufficient money in the Municipal 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 eighty-five percent (85%), but not more than one hundred percent (100%) of the current levy for the purpose for which said warrant is drawn. (*Ref 17-714, 17-715 RS Neb.*)

§1-917 FISCAL MANAGEMENT; WARRANTS. All warrants drawn upon the Municipal Treasury must be signed by the Mayor and countersigned by the Municipal Clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn, and the amount already expended of such fund. (*Ref 17-711 RS Neb.*)

§1-918 FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUND. All money received on special tax assessments shall be held by the Municipal 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 Municipality for money expended for any such improvement. (*Ref 17-710 RS Neb.*)

§1-919 FISCAL MANAGEMENT; SINKING FUNDS. The Governing Body, 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 Municipality 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 Municipality, 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 Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal 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 (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. 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 Governing Body 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 Municipal Treasurer shall, as they accumulate, be immediately invested with the written approval of the Governing Body 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 Governing Body is authorized to do so by sixty percent (60%) of the qualified electors of the Municipality voting at a general election favoring such a change in the use of the sinking fund. (*Ref 19-1301 through 19-1304, 77-233 7, 77-2339 RS Neb.*)

§1-920 FISCAL MANAGEMENT; DEPOSIT OF FUNDS. (1) The Governing Body, at its first meeting in each fiscal year, shall designate some one or more banks or capital stock financial institutions of approved and responsible standing in which the Municipal Treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as Municipal Treasurer. If there is one or more banks or capital stock financial institutions located in the Municipality which apply for the privilege of keeping such money and give bond or give security for the repayment of deposits as provided in this section, such banks or capital stock financial institutions shall be selected as such depositories. The Municipal Treasurer shall not give a preference to any one or more of them in the money he or she may so deposit.

(2) The Governing Body shall require from all banks or capital stock financial institutions (a) 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, (b) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The Governing Body shall approve such bond or giving of security. The Municipal 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. The fact that a stockholder, director, or other officer of such bank or capital stock financial institution is also serving as Mayor, as a member of the Governing Body, or as any other officer of the Municipality shall not disqualify such bank or capital stock financial institution from acting as a depository for such municipal funds.

(3) The insurance afforded to depositors in banks or capital stock 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. For deposits so insured, no other surety bond or other security shall be required. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

(4) The Municipal Treasurer may deposit the funds received and held by him or her, by virtue of such office, with a cooperative credit association situated within the boundaries of the county, or a county adjoining thereto, where the Municipality is situated, if the Municipality is the depositor, as well as in a commercial state or national bank if the cooperative credit association performs all the conditions precedent required by the laws of this state of commercial state and national banks to qualify them to receive deposits of such public funds. It shall not be necessary for the Municipality, in making such a deposit of public funds, to purchase shares in such cooperative credit association or become a member thereof, and such a cooperative credit association is hereby authorized and empowered to receive such money under such conditions. (*Ref 17-607, 21-1316.01, 77-*

2362 through 77-2364, 77-2386 through 77-2397 RS Neb.) (Amended by Ord. No. 526, 8/4/98)

§1-920.01 FISCAL MANAGEMENT; CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS. (1) The Municipal 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 or capital stock financial institution in the state of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal 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 manner provided in this section. The provisions of section 77-2366 RS Neb. shall apply to deposits in capital stock financial institutions.

(2) For the security of the fund so deposited, the Municipal Treasurer shall require each depository to give bond for the safekeeping and payment of such deposits and the accretions thereof, which bond shall run to the Municipality and be approved by the Mayor. The bond shall be conditioned that such a depository shall, at the end of every quarter, render to the Treasurer a statement in duplicate, showing the several daily balances, the amount of money of the Municipality held by it during the quarter, the amount of the accretion thereto, and how credited. The bond shall also be conditioned that the depository shall generally do and perform whatever may be required by the provisions of this section and all regulations imposed by law or adopted by the Governing Body for the receiving and holding thereof and shall faithfully discharge the trust reposed in the depository. The bond shall be as nearly as practicable in the form provided in section 77-2304 RS Neb. No person in any way connected with any depository as an officer or stockholder shall be accepted as a surety on any bond given by the depository of which he or she is an officer or stockholder. The bond shall be deposited with the Municipal Clerk.

(3) In lieu of the bond required by subsection (2) of this section, any bank or capital stock financial institution making application to become a depository may give security as provided in the Public Funds Deposit Security Act to the Municipal Clerk. The penal sum of such bond shall be equal to or greater than the amount of the deposit in excess of that portion of such deposit insured by the Federal Deposit Insurance Corporation.

(4) The Treasurer shall not have on deposit in any bank or capital stock financial institution at any time more than the amount insured by the Federal Deposit Insurance Corporation plus the maximum amount of the bond given by the bank or capital stock financial institution if the bank or capital stock financial institution gives a surety bond, nor in any bank or capital stock financial institution giving a personal bond, more than the amount insured by the Federal Deposit Insurance Corporation plus one-half of the amount of the bond of such bank or capital stock financial institution, and the amount so on deposit any time with any such bank or capital stock financial institution shall not in either case exceed the amount insured by the Federal Deposit Insurance Corporation plus the

paid-up capital stock and surplus of such bank or capital stock financial institution. The Treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond has been duly approved by the Mayor as provided in subsection (2) of this section or which has, in lieu of a surety bond, given security as provided in subsection (3) of this section. (*Ref 17-720, 16-714 through 16-716 RS Neb.*) (*Ord. No. 537, 8/4/98*)

§1-921 FISCAL MANAGEMENT; INVESTMENT OF FUNDS. The Governing Body may, by resolution, direct and authorize the Municipal Treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Municipality, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (*Ref 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.*)

§1-922 FISCAL MANAGEMENT; BOND ISSUES. The Governing Body 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 Governing Body shall have the authority to levy special assessments for the payment of interest and principal on such bonds, and may spread the payments up to the maximum number of years permitted by State law. (*Ref 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 RS Neb.*)

§1-923 FISCAL MANAGEMENT; COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE. (1) The Municipality 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.

(2) The Municipality shall:

(a) 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

(b) File a release of assessment upon final payment of each assessment with the Register of Deeds. (*Ref 18-1216 RS Neb.*) (*Ord. No. 490, 8/5/97*)

§1-924 FISCAL MANAGEMENT; PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET. (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the Governing Body shall file with the levying board on or before October 14 of each year and file with the Auditor of Public Accounts a certified copy of any resolution passed setting a tax levy which shall not

exceed the maximum levy prescribed by state law and a statement reconciling the levy set by the Governing Body with the adopted budget statement filed as otherwise required by law. The levy shall be set to fund property tax requirements in the adopted budget to four to eight places to the right of the decimal point. The Governing Body shall use the final adjusted values as provided by the County Assessor pursuant to section 13-509 RS Neb. for the current year in setting or certifying the levy. The Governing Body may designate one of its members to perform any duty or responsibility required of such body by this subsection.

(2) 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 section 77-1601 RS Neb. unless the Governing Body 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 Municipality at least five (5) days prior to the hearing. The hearing notice shall contain the following information: The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and 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. Any resolution setting a tax request under this subsection shall be certified and forwarded to the County Clerk prior to October 14 of the year for which the tax request is to apply. Any tax levy which is not in compliance with this subsection and section 77-1601 RS Neb. shall be construed as an unauthorized levy under section 77-1606 RS Neb. (*Ref 13-508, 77-1601.02 RS Neb.*) (*Ord. No. 491, 8/5/97*) (*Amended by Ord No. 523, 8/4/98*)

§1-925 FISCAL MANAGEMENT; PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED. (1) Property tax levies for the support of the Municipality 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 (3) of this section. The Municipality may levy a maximum levy of forty- five cents (45) per one hundred dollars (\$100.00) of taxable valuation of property subject to the levy plus an additional five cents (5) per one hundred dollars (\$100.00) of taxable valuation to provide financing for the Municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 RS Neb., museum pursuant to section 51-501 RS Neb., visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637 RS Neb., or statue, memorial, or monument pursuant to section 80-202 RS Neb. Property tax levies for judgments obtained against the Municipality which require or obligate the Municipality to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the Municipality, for preexisting lease-purchase contracts approved prior to July 1, 1998, and

for bonded indebtedness approved according to law and secured by a levy on property 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 section 77-1606 RS Neb. unless approved under subsection (3) of this section.

(2) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, and offstreet parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the Municipality and are counted in the Municipality's levy limit provided by subsection (1) of this section, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property. The Governing Body shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The Governing Body 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 Municipality may be exceeded as provided in subsection (3) of this section. 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 Governing Body. 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 political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in section 77-3444 RS Neb. to exceed the final levy allocation as determined in this subsection. The Governing Body shall (a) adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and (b) forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions. No final levy allocation shall be changed after September 1 except by agreement between both the Governing Body and the governing body of the political subdivision whose final levy allocation is at issue.

(3) The Municipality may exceed the limits provided in subsection (1) of this section 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. The Governing Body may call for the submission of the issue to the voters (a) by passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the Governing Body and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the Municipality or (b) upon receipt of a petition by the County Clerk or Election Commissioner of every county

containing all or part of the Municipality requesting an election signed by at least five percent (5%) of the registered voters residing in the Municipality. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in subsection (1) of this section and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five (5) years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner no later than thirty (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 section 32-802 RS Neb. shall be no later than twenty (20) days prior to the election. 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 thirty (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 sections 32-628 to 32-631 RS Neb. Any excess levy authority approved under this subsection shall terminate pursuant to its terms, on a vote of the Governing Body 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 (4) of this section, whichever is earliest. The Governing Body may pass no more than one resolution calling for an election pursuant to this subsection during any one calendar year. There shall be no limit on the number of elections held pursuant to this subsection which are initiated by petition. The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in section 77-3444 RS Neb. 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 (1) of this section, 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 Governing Body shall not impose such tax. The County Clerk or Election Commissioner may set a uniform date for a special election to be held before October 10, 1998, to submit the issue of exceeding the limits provided in section 77-3442 RS Neb. or the final levy allocation as provided in section 77-3443 RS Neb. to the voters of political subdivisions in the county seeking additional levy authority. The Municipality may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different from that set by the County Clerk or Election Commissioner, except that the Governing Body shall pass a resolution calling for a special election for this purpose and deliver a copy of the resolution to the County Clerk or Election Commissioner no later than thirty (30) days prior to the date of the election.

(4) The Municipality 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. The Governing Body may call for the submission of the issue to the voters (a) by passing a resolution calling for the rescission or modification by a

vote of at least two-thirds of the members of the Governing Body and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the Municipality or (b) upon request of a petition by the County Clerk or Election Commissioner of every county containing all or part of the Municipality requesting an election signed by at least five percent (5%) of the registered voters residing in the Municipality. 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 a duration greater than five (5) 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 thirty (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 section 32-802 RS Neb. shall be no later than twenty (20) days prior to the election. The election shall be held pursuant to the Election Act. (*Ref 77-3442 thru 77-3444 RS Neb.*) (*Ord. No. 522, 8/4/98*)

§1-926 FISCAL MANAGEMENT; MOTOR VEHICLE FEE. (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LIMITS OF THE MUNICIPALITY. Includes the extraterritorial zoning jurisdiction of the municipality.

PERSON. Includes corporate bodies, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, cooperatives, and associations. Person does not include any federal, state, or local government or any political subdivision thereof.

(2) Except as otherwise provided in subsection (4) of this section, the governing body of the municipality shall have power to require any individual whose primary residence or person who owns a place of business which is within the limits of the municipality and that owns and operates a motor vehicle within such limits to pay an annual motor vehicle fee and to require the payment of such fee upon the change of ownership of such vehicle. All such fees which may be provided for under this section shall be used exclusively for constructing, repairing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof or for the amortization of bonded indebtedness when created for such purposes.

(3) No motor vehicle fee shall be required under this section if: (a) A vehicle is used or stored but temporarily in the municipality for a period of six months or less in a 12-month period; (b) An individual does not have a primary residence or a person does not own a place of business within the limits of the municipality and does not own and operate a motor vehicle within the limits of the municipality; or (c) An individual is a full-time student attending a postsecondary institution within the limits of the municipality and the motor vehicle's situs under the Motor Vehicle Certificate of Title Act is different from the place at which he or she is attending such institution.

(4) After December 31, 2012, no motor vehicle fee shall be required of any individual whose primary residence is, or person who owns a place of business, within the extraterritorial zoning jurisdiction of the municipality.

(5) Until the implementation date designated by the Director of Motor Vehicles under Neb. RS 23-186, the fee shall be paid to the designated county official of the county in which the city is located when the registration fees as provided in the Motor Vehicle Registration Act are paid. These fees shall be remitted to the County Treasurer for credit to the road fund of the city. On and after the implementation date designated under Neb. RS 23-186, the fee shall be paid to the County Treasurer for credit to such road fund. (*Ref. 18-1214 RS Neb.*)

Article 10. Compensation

§1-1001 COMPENSATION; MUNICIPAL OFFICIALS. The Compensation of any elective official of the Municipality shall not be increased or diminished during the term for which he shall have been elected except when there has been a merger of offices; Provided, the compensation of the members of the Governing Body, a board, or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during the unexpired term of office. He may be rehired after the term of office during which he resigned at a greater salary. All salaries shall be set by ordinance of the Governing Body and will be available for public inspection at the office of the Municipal Clerk. (*Ref. 17-108.02, 17-612 RS Neb.*)

§1-1002 COMPENSATION; CONFLICT OF INTEREST. For purposes of this Section officer shall mean (a) any member of any Board or Commission of the Municipality, (b) any Appointed Official if such Municipal Official (i) serves on a Board or Commission which spends and administers its own funds and (ii) is dealing with a contract made by such Board or Commission, or (c) any elected Municipal Official. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this Section, with respect to their duties as firefighters and ambulance drivers.

No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this Section may be brought by the Municipality or by any resident thereof and must be brought within one (1) year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Municipality has benefited thereby. The prohibition in this Section shall apply only when the officer or his or her parent, spouse, or child (a) has a business with which the individual is associated or business association which shall mean a business: (1) in which the individual is a partner, director, or officer or (2) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth one thousand (\$1,000.00) dollars or more at fair market value or which represents more than five (5%) per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand (\$10,000.00) dollars or more at fair market value or which represents more than ten (10%) per cent equity interest or (b) will receive a direct pecuniary fee or commission as a result of the contract; provided however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a

pecuniary fee such officer shall not be deemed to have an interest within the meaning of this Section.

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

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

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

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

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

The information supplied relative to the contract shall be provided to the Clerk not later than ten (10) days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

An open account established for the benefit of any Municipality or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this Section. The statement required to be filed pursuant to this Section shall be filed within ten (10) after such account is opened. Thereafter, the Clerk shall maintain a running account of all amounts purchased on the open account. Purchases from petty cash or a petty cash fund shall not be subject to the provisions of this Section.

Any officer who knowingly violates the provisions of Sections 49-14,103.01 thru 49-14,103.03 RS Neb., shall be guilty of a Class III misdemeanor. Any officer who negligently violates sections 49-14,103.01 thru 49-14,103.03 RS Neb. shall be guilty of a Class V misdemeanor.

The Municipality may enact ordinances exempting from the provisions of this Section, contracts involving one hundred (\$100.00) dollars or less in which an officer of such Municipality may an interest.

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Municipality other than his or salary. The Governing Body shall not pay or appropriate any money or other valuable thing to a person who is not an officer for the performance of any act, service, or duty, which shall come within the proper scope of the duties of any officer of the Municipality. (*Ref. 17-611, 18-305 thru 18-312, 49-14,103.01 thru 49-14,103.03, 70-624.04 RS Neb.*) (*Amended by Ord. No. 345, 10/7/86*)

Article 11. Initiative and Referendum

§1-1101 INITIATIVE AND REFERENDUM; DEFINITIONS. The powers of initiative and referendum are reserved to the qualified electors of the Municipality by State law. This Article shall govern the use of initiative to enact, and the use of referendum to amend or repeal measures affecting the governance of the Municipality. For purposes of this Article, the definitions set out in this Section, unless the context otherwise requires, shall apply.

CIRCULATOR shall mean any person who solicits signatures for an initiative or referendum petition.

CLERK shall mean the Municipal Clerk or the Municipal Official in charge of elections.

GOVERNING BODY shall mean the legislative authority of the Municipality.

MEASURE shall mean an ordinance, charter provision, or resolution which is within the legislative authority of the Governing Body to pass, and which is not excluded from the operation of referendum by the exceptions in Section 1-1112.

MUNICIPALITY shall mean the City of Red Cloud, Nebraska.

PETITION shall mean a document authorized for circulation pursuant to Section 1-1102, or any copy of such document.

PLACE OF RESIDENCE shall mean the street and number of the residence. If there is no street and number for the residence, place of residence shall mean the mailing address.

PROSPECTIVE PETITION shall mean a sample document containing the information necessary for a completed petition, including a sample signature sheet, which has not yet been authorized for circulation.

QUALIFIED ELECTORS shall mean all persons registered to vote, at the time the prospective petition is filed, in the jurisdiction governed or to be governed by any measure sought to be enacted by initiative, or altered or repealed by referendum.

RESIDENCE shall mean that place at which a person has established his or her home, where he or she is habitually present, and to which, when he or she departs, he or she intends to return.

SIGNATURE SHEET shall mean a sheet of paper which is part of a petition and which is signed by persons wishing to support the petition effort. (*Ref. 18-2501 thru 18-2511 RS*)

Neb.)

§1-1102 INITIATIVE AND REFERENDUM; PETITIONS, BALLOTS. Before circulating an initiative or referendum petition, the petitioner shall file with the Clerk a prospective petition. The Clerk shall date the prospective petition immediately upon its receipt. The Clerk shall verify that the prospective petition is in proper form and shall provide a ballot title for the initiative or referendum proposal, as described below. If the prospective petition is in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within three (3) working days from the date the prospective petition was filed. If the form of the prospective petition is incorrect, the Clerk shall, within three (3) working days from the date the prospective petition was filed, inform the petitioner of necessary changes and request that those changes be made. When the requested changes have been made and the revised prospective petition has been submitted to the Clerk in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within two (2) working days from the receipt of the properly revised petition. Verification by the Clerk that the prospective petition is in proper form does not constitute an admission by the Clerk, Governing Body, or Municipality that the measure is subject to referendum or limited referendum or that the measure may be enacted by initiative.

The ballot title of any measure to be initiated or referred shall consist of:

- A. A briefly-worded caption by which the measure is commonly known or which accurately summarizes the measure;
- B. A briefly-worded question which plainly states the purpose of the measure, and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
- C. A concise and impartial statement, of not more than seventy-five (75) words, of the chief purpose of the measure.

The ballots used when voting on an initiative or referendum proposal shall contain the entire ballot title. Proposals for initiative and referendum shall be submitted on separate ballots and the ballots shall be printed in lower case ten point type, except that the caption shall be in bold face type. All initiative and referendum measures shall be submitted in a nonpartisan manner without indicating or suggesting on the ballot that they have or have not been approved or endorsed by any political party or organization. (*Ref. 18-2512, 18-2513 RS Neb.*)

§1-1103 INITIATIVE AND REFERENDUM; PETITIONS; FORM; DECLARATORY JUDGMENTS. The Secretary of State shall design the form to be used for initiative and referendum petitions, including signature sheets. These forms shall be made available to the public by the Clerk, and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the Clerk pursuant to Section 1-1102. Chief Petitioners or Circulators preparing prospective

petitions shall be responsible for making copies of the petition for circulation, once authorization for circulation has been granted, and each petition presented for signature must be identical to the petition authorized for circulation by the Clerk pursuant to 1-1102. The Municipality or any Chief Petitioner may seek a declaratory judgment regarding any questions arising under this Article, as it may be from time to time amended, including, but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a Chief petitioner seeks a declaratory judgment, the Municipality shall be served by personal, residence, or certified mail service upon the Chief Executive Officer, or Clerk. If the Municipality seeks a declaratory judgment, only the Chief Petitioner or Petitioners shall be required to be served. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the Municipal Clerk for signature verification until (40) days from the date the Governing Body received notification pursuant to Section 1-1106. If the Municipality does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative until after it has received notification pursuant to Section 1-1106, it shall be required to proceed with the initiative or referendum election in accordance with the provisions of this Article. If the Municipality does file such an action prior to receiving notification pursuant to Section 1-1106, it shall not be required to proceed to hold such election until a final decision has been rendered in the action. Any action for a declaratory judgment shall be governed generally by Sections 25-21,149 to 25-21,164 RS Neb., except that only the Municipality and each Chief Petitioner shall be required to be made parties. The Municipality, Clerk, Governing Body, or any of the Municipality's officers shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this Section shall be given priority in scheduling, hearings and in disposition as determined by the court when an action is brought to determine whether the measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five (5) days prior to the election. The provisions of this Section relating to declaratory judgments shall not be construed as limiting, but construed as supplemental and additional to other rights and remedies conferred by law.

Every petition shall contain the name and place of residence of not more than three (3) persons as Chief Petitioners or sponsors of the measure. The Chief Petitioners or sponsors shall be qualified electors of the Municipality potentially affected by the initiative or referendum proposal. Every petition shall contain the caption and ballot title required in Section 1-1102, and only qualified electors shall circulate petitions. When a special election is being requested, such fact shall be stated on every petition. (*Ref. 25-510.02, 25-2514, 25-515 RS Neb.*)

§1-1104 INITIATIVE AND REFERENDUM; SIGNATURE SHEETS. Every signature sheet shall:

1. Contain the caption required in subdivision A. of Section 1-1102 of this Article;
2. Be part of a complete and authorized petition when presented to potential signatories;
3. Provide space for signatories to write their names, residential addresses, and the date of signing; and
4. Contain a statement that anyone falsifying information on a signature sheet shall be subject to penalties provided by law.

No more than twenty-five (25) signatures on each signature sheet shall be counted. In order to be valid, a signature shall be that of an individual registered to vote, at the time of signing, in the jurisdiction governed or to be governed by the measure addressed in the petition. A signature shall include the signatory's full name, his or her place of residence, and the date of signing. No signatory shall use ditto marks as a means of affixing his or her place of residence or date on any petition. A wife shall not use her husband's Christian or given name when she signs a petition and she shall sign her own Christian or given name along with her surname. (*Ref. 18-2516 RS Neb.*)

§1-1105 INITIATIVE AND REFERENDUM; PETITIONS, AFFIDAVIT. Included in the contents of every petition shall be an affidavit, to be signed by the circulator in the presence of a notary, which states that the circulator is a qualified elector, that each person who signed the petition did so in the presence of the circulator on the date indicated, and that the circulator believes that each signatory was registered to vote in the affected jurisdiction at the time he or she signed the petition and that the circulator believes that each signatory has stated his or her name and place of residence correctly. (*Ref. 18-2517 RS Neb.*)

§1-1106 INITIATIVE AND REFERENDUM; PETITIONS, NOTIFICATION. (A) Signed petitions shall be filed with the Clerk for signature verification. Upon the filing of a petition, and passage of a resolution by the Governing Body, the Municipality and the County Clerk or Election Commissioner of the County in which such Municipality is located may by mutual agreement provide that the County Clerk or Election Commissioner shall ascertain whether the petition is signed by the requisite number of voters. The Municipality shall reimburse the County for any costs incurred by the County Clerk or Election Commissioner. When the verifying official has determined that one hundred (100%) per cent of the necessary signatures required by this Article have been obtained, he or she shall notify the Governing Body of that fact, and shall immediately forward to the Governing Body a copy of the petition.

(B) In order for an initiative or referendum proposal to be submitted to the Governing Body and the voters, the necessary signatures shall be on file with the Clerk within six (6) months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void. (*Ref. 18-2518 RS Neb.*)

§1-1107 INITIATIVE AND REFERENDUM; FREQUENCY OF OCCURRENCE.

The same measure, either in form or in essential substance, may not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once every two (2) years. No attempt to repeal or alter an existing measure or portion of such measure by referendum petition may be made within two (2) years from the last attempt to do the same. Such prohibition shall apply only when the subsequent attempt to repeal or alter is designed to accomplish the same, or essentially the same purpose as the previous attempt. *(Ref. 18-2519 RS Neb.)*

§1-1108 INITIATIVE AND REFERENDUM; DIRECT VOTE.

The Executive Officer and Governing Body of the Municipality may at any time, by resolution, provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto, if necessary, or enacted by the electors under this Article and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the Clerk shall cause such measure to be submitted to a direct vote of the electors, at the time specified in such resolution and in the manner provided in this Article for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast. *(Ref. 18-2520 RS Neb.)*

§1-1109 INITIATIVE AND REFERENDUM; ELECTIONS.

The Clerk shall call elections under this Article, either at a special election or regularly scheduled primary or general election. He or she shall cause notice of every such election to be printed in one (1) or more newspapers of general circulation in such Municipality at least once not less than thirty (30) days prior to such election and also posted in the office of the Clerk and in at least three (3) conspicuous places in such Municipality at least thirty (30) days prior to such election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the _____ day of _____, 20__ ,
at (identify polling place or precinct) of the Municipality of Red Cloud, Nebraska,
an election will be held at which there will be submitted to the electors of the
Municipality for their approval or rejection, the following measures, propositions,
or issues:

(naming measures, propositions, or issues), which election will be open at 8:00
a.m. and will continue open until 8:00 p.m., of the same day. Dated this _____
day of _____ 20_____.

Clerk of the City/Village of
Red Cloud, Nebraska.

The Clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this Section shall designate where such a copy in pamphlet form may be obtained. (*Ref. 18-2521 RS Neb.*)

§1-1110 INITIATIVE AND REFERENDUM; BALLOTS. All ballots for use in special elections under this Article shall be prepared by the Clerk and furnished by the Governing Body, unless the Governing Body contracts with the County for such service, and shall be in form the same as provided by law for election of the Executive Officer and Governing Body of such Municipality. When ordinances under such sections are submitted to the electors at a regularly scheduled primary or general election they shall be placed upon the official ballots as provided in this Article. (*Ref 18-2522 RS Neb.*)

§1-1111 INITIATIVE AND REFERENDUM; INITIATIVE. (A) The power of initiative allows citizens the right to enact measures affecting the governance of the Municipality. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.

(B) An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law, or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to Section 1-1112.

(C) Whenever an initiative petition bearing signatures equal in number to at least fifteen (15%) per cent of the qualified electors of the Municipality has been filed with the Clerk and verified, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary. If the Governing Body fails to pass the measure without amendment, including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body, shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

(D) Whenever an initiative petition bearing signatures equal in number to at least twenty (20%) per cent of the qualified electors which requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the Clerk and verified pursuant to Section 1-1106, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary. If the Governing Body fails to pass the measure, without amendment, including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. The date of such election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body

received notification pursuant to Section 1-1106.

(E) If a majority of voters voting on the initiative measure shall vote in favor of such measure, it shall become a valid and binding measure of the Municipality thirty (30) days after certification of the election results, unless the Governing Body by resolution orders an earlier effective date or the measure itself provides for a later effective date, which resolution shall not be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two-thirds (2/3) majority of the members of the Governing Body. No such attempt to amend or repeal shall be made within one (1) year from the passage of the measure by the electors. (*Ref 18-2523 thru 18-2526 RS Neb.*)

§1-1112 INITIATIVE AND REFERENDUM; REFERENDUM LIMITATIONS.

(A) The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of the Municipality. (*Ref. 18-2527 RS Neb.*)

(B) The following measures shall not be subject to referendum or limited referendum:

(1) Measures necessary to carry out contractual obligations including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(2) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(3) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(4) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the Governing Body and approved by the Mayor;

(5) Measures relating to projects for which notice has been given as provided for in subsection (E) of this section for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(6) Resolutions directing the Municipal Clerk to cause measures to be submitted to a vote of the people at a special election as provided in subsection (C) of Section 1-1111 (Initiative and Referendum; Initiative) and subsection (A) of Section 1-1113 (Initiative and Referendum; Referendum, Passage);

(7) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in subsection (E) of Section 1-1111 (Initiative and Referendum; Initiative); and

(8) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the Municipality and which are

necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness;

(9) Measures that amend, supplement, change, modify, or repeal a zoning regulation, restriction, or boundary and are subject to protest as provided in section 19-905 RS Neb.; and

(10) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, promotion, demotion, or termination of personnel.

(Ref 18-2528(1) RS Neb.)

(C) The following measures shall be subject to limited referendum:

(1) Measures in furtherance of a policy of the Municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one (1) year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(2) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs of public ways, public property, utility systems, and other capital projects, and measures giving initial approval for industrial development projects;

(3) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal employees other than the members of the Governing Body and the Mayor; and

(4) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the Municipality except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(Ref 18-2528(2) RS Neb.)

(D) Measures subject to limited referendum shall ordinarily take effect thirty (30) days after their passage by the Governing Body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to Section 1-1106 (Initiative and Referendum; Petitions; Notification; Verification) within thirty (30) days after such measure's passage by the Governing Body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (E)(3) of this section. If the necessary number of signatures as provided in Section 1-1111 (Initiative and Referendum; Initiative) has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters. *(Ref RS 18-2528(3) RS Neb.)*

(E) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other

capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, the Municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this Article by the following procedure:

(1) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five (5) days prior to the date set for hearing in a newspaper of general circulation within the Governing Body's jurisdiction;

(2) By passage of a measure approving the project, including an override of a veto, if necessary, at a meeting held on any date subsequent to the date of hearing; and

(3) After passage of such measure, including an override of a veto, if necessary, by giving notice as follows:

(a) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty (30) days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and

(b) For projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty (30) days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by this subdivision shall be published in at least one newspaper of general circulation within the Municipality and shall be published not later than fifteen (15) days after passage by the Governing Body, including an override of a veto, if necessary, of a measure approving the project.

The right of the Municipality to hold such a hearing prior to the passage of the measure by the Governing Body and give such notice after passage of such measure by the Governing Body to obtain exemption for any particular project in a manner described in this subsection is optional, and the Municipality shall not be required to hold such a hearing or give such notice for any particular project. (*Ref 18-2528(4) RS Neb.*)

(F) All measures, except as provided in subsections (B), (C), and (E) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the Governing Body, including an override of a veto, if necessary, or enacted by the voters by initiative. (*Ref 18-2528(5) RS Neb.*) (*Amended by Ord. No. 548, 4/3/01*)

§1-1113 INITIATIVE AND REFERENDUM; REFERENDUM, PASSAGE. (A) Whenever a referendum petition bearing signatures equal in number to at least fifteen

(15%) per cent of the qualified electors of the Municipality has been filed with the Clerk and verified pursuant to Section 1-1106, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum, including an override of any veto, if necessary, within thirty (30) days from the date the Governing Body receives notification pursuant to Section 1-1106, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

(B) Whenever a referendum petition bearing signatures equal in number to at least twenty (20%) per cent of the qualified voters of the Municipality which requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the Clerk and verified, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty (30) days from the date the Governing Body received notification. The date of such special election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body received notification.

(C) If a majority of the electors voting on the referendum measure shall vote in favor of such measure, the law subject to the referendum shall be repealed or amended. A measure repealed or amended by referendum shall not be reenacted or returned to its original form except by a two-thirds (2/3) majority of the members of the Governing Body. No such attempt to reenact or return the measure to its original form shall be made within one (1) year of the repeal or amendment of the measure by the electors. If the referendum measure does not receive a majority vote, the ordinance shall immediately become effective or remain in effect. (*Ref 18-2529 thru 18-2531 RS Neb.*)

§1-1114 INITIATIVE AND REFERENDUM; VIOLATIONS, PENALTIES. (A) Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under Sections 18-2501 through 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of three hundred (\$300.00) dollars on the fine.

(B) Whoever falsely makes or willfully destroys a petition or any part thereof, or signs a false name thereto, or signs or files any petition knowing the same or any part thereof to be falsely made, or suppresses any petition, or any part thereof, which has been duly filed, pursuant to Sections 18-2501 through 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of five hundred (\$500.00) dollars on the fine.

(C) Whoever signs any petition under Sections 18-2501 through 18-2531 RS Neb. knowing that he or she is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this Section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such petition, or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a limit of three hundred (\$300.00) dollars on the fine.

(D) Any Clerk who willfully refuses to comply with the provisions of Sections 18-2501 through 18-2531 RS Neb. or who willfully causes unreasonable delay in the execution of his or her duties under such sections shall be guilty of a Class I misdemeanor but imprisonment shall not be included as part of the punishment. (*Ref 18-2532 thru 18-2535 RS Neb.*)

§1-1115 INITIATIVE AND REFERENDUM; APPLICABILITY. The provisions of the statutes of the State of Nebraska relating to election officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of election, and recounts of votes, so far as applicable, shall apply to voting on ordinances by the electors pursuant to this Article.

Nothing in this Article shall apply to procedures for initiatives or referendums provided in Nebraska Revised Statutes Sections 18-412 and 18-412.02 relating to Municipal light and power plants, Sections 70-504, 70-650.01 and 70-650.02, relating to public power districts, and Sections 80-203 to 80-205 relating to soldiers and sailors monuments. (*Ref. 18-2536, 18-2537 RS Neb.*)

Article 12. Intergovernmental Risk Management

§1-1201 INTERGOVERNMENTAL RISK MANAGEMENT; AUTHORITY. The Governing Body and any one or more public agencies, as defined in Section 44-4303 RS Neb., may make and execute an agreement providing for joint and cooperative action in accordance with Sections 44-4301 through 44-4339 RS Neb., to form, become members of, and operate a risk management pool for the purpose of providing to members risk management services and insurance coverages in the form of group self-insurance or standard insurance, including any combination of group self-insurance and standard insurance, to protect members against losses arising from any of the following:

1. General liability;
2. Damage, destruction, or loss of real or personal property, including but not limited to, loss of use or occupancy, and loss of income or extra expense resulting from loss of use or occupancy;
3. Errors and omissions liability; and
4. Workers' compensation liability.

(Ref 44-4301 through 44-4339 RS Neb.) (Ord. No. 358, 10/6/87)