

Chapter 1

ADMINISTRATIVE

Article 1. Elected Officials

§1-101 CITY MAYOR; POWERS AND DUTIES:

(A) The Mayor shall preside at all meetings of the City Council. The Mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the City Council on any pending matter, legislation, or transaction, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. He or she shall have superintendence and control of all the officers and affairs of the City, and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with. (*Neb RS 17-110*)

(B) The Mayor shall have the power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the Mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it, and it shall become effective. If the Mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the City Council stating that the measure is vetoed. The Mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the Mayor issues the veto after the meeting, the Mayor shall notify the City Clerk of the veto in writing. The Clerk shall notify the City Council in writing of the Mayor's veto. Any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the Mayor may be passed over his or her veto by a vote of two-thirds of the members of the Council. If the Mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim, but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The Mayor may veto any item or items of any appropriation bill or any claims bill, and approve the remainder thereof, and the item or items vetoed may be passed by the Council over the veto as in other cases. (*Neb RS 17-111*)

(C) The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the police, health, security, ornament, comfort and general prosperity of the city. (*Neb RS 17-112*)

(D) The Mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make reports to the Council, in writing, touching any subject or matter pertaining to his or her office. (*Neb RS 17-113*)

(E) The Mayor shall such jurisdiction as may be vested in him or her by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within the extraterritorial zoning jurisdiction of the city. (*Neb RS 17-114*)

(F) The Mayor shall have the power to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under the ordinances of the city. (*Neb RS-117*)

(G) The Mayor shall hold no other elective or appointive office or employment with the city.

(H) The Mayor shall sign the City Clerk's minutes of all meetings of the City Council, and he or she shall sign all resolutions that have been passed and warrants for the payment of money when ordered by the Council.

(I) The Mayor shall have such other duties as are reposed in the Mayor by the laws of the State of Nebraska or as the Council may by resolution confer upon the Mayor.

(*Amended by Ord 915, 3/24/2014, Ord 919, 3/23/2015 & Ord 950, 3/12/2018*)

§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 Councilmen of this Municipality shall take office, and commence their duties on the first regular meeting date in December following their election. The newly elected Councilmen 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 Councilmen-elect who have qualified for their respective offices, and this report shall be spread upon the minutes of the meeting preceding the roll call. No person shall be eligible who is not at the time of his election an actual resident of the City and should any City Councilman move from the City, his office shall thereby become vacant. (*Ref 17-104, 17-107.01, 19-613 RS Neb*) (*Amended by Ord 382, 3/22/76*)

§1-105 ELECTED OFFICIALS; VACANCY; GENERAL PROVISIONS:

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

(B) (1) Except as otherwise provided in division (C) or (D), vacancies in municipal elected offices shall be filled by the governing body for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the governing body at a regular or special meeting and shall appear as a part of the minutes of that meeting. The governing body shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the municipality or by posting in three public places in the municipality the office vacated and the length of the unexpired term.

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

(C) The Mayor and governing body may, in lieu of filling a vacancy in a village elected office as provided in division (B), call a special election to fill that vacancy.

(D) If vacancies exist in the offices of one-half or more of the members of the governing body, the Secretary of State shall conduct a special municipal election to fill those vacancies.

(Ref 32-569 RS Neb) (Amended by Ord 933, 3/14/2016)

§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) (Ord 383, 3/22/76)*

§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 570, 1/28/91*) (*Amending Ord 712, 10/26/98*)

§1-108 ELECTED OFFICIALS; MAYOR; ELECTION; QUALIFICATIONS; TERM:

(1) The Mayor shall be elected as provided in the Election Act. 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 City. (*Ref 17-107 RS Neb*)

(2) The Mayor shall serve for a term of 4 years or until his or her successor is elected and qualified. (*Ref 32-533 RS Neb*) (*Ord 895, 1/23/12*)

Article 1.5 Bonds

§1-118 BONDS; REQUIREMENTS:

(A) The city may enact ordinances or bylaws to require from all officers and servants, elected or appointed, bonds and security or evidence of equivalent insurance for the faithful performance of their duties. The city may pay the premium for such bonds or insurance coverage. (*Neb RS 17-604*)

(B) (1) All official bonds of officers of the city shall be in form joint and several and made payable to the city in such penalty as the City Council may fix.

(2) In place of the individual bonds required to be furnished by municipal officers, a schedule, position, blanket bond or undertaking, or evidence of equivalent insurance may be given by municipal officers, or a single corporate surety fidelity, schedule, position, or blanket bond or undertaking, or evidence of insurance coverage covering all the officers, including officers required by law to furnish an individual bond or undertaking, may be furnished. The municipality may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by law or by the City Council, and with such terms and conditions as may be required. (*Neb RS 11-104*)

(3) The penalty amount on any bond shall not fall below the legal minimum, when one has been set by the state, for each particular official.

(C) (1) Official bonds, with the oath endorsed thereon, shall be filed in the City Clerk's office within the following time:

- (a) Of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election;
- (b) Of all appointed officers, within 30 days after their appointment; and
- (c) Of officers elected at any special election and city officers, within 30 days after the canvass of the votes of the election at which they were chosen.

(2) The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, section 5, of the Constitution of Nebraska. (*Neb RS 11-105*)

(D) All official bonds of city officers shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county in which such bonds are given, or any official bond of a city officer may be executed by the officer as principal and by a guaranty, surety, fidelity, or bonding company as surety, or by two or more such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a city officer. (*Neb RS 11-109*)

(E) The City Clerk shall carefully record and preserve the bonds in his or her office and shall give certified copies thereof, when required, under the seal of his or her office, and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases. (*Neb RS 11-110*)

(F) (1) The approval of each official bond shall be endorsed upon such bond by the officer approving the same, and no bond shall be filed and recorded until so approved. *(Neb RS 11-111)*

(2) No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the instrument by the Mayor and City Clerk pursuant to the approval of the City Council.

(G) All official 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 any persons injured by a breach of the conditions of such bonds. *(Neb RS 11-112)*

(H) No official bond shall be rendered void by reason of any informality of irregularity in its execution or approval. *(Neb RS 11-113)*

(I) No city official shall be taken as security on the bond of any administrator, executor, or other officer from whom by law bond is or may be required. *(Neb RS 11-114)*

(J) If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by this section, the City Clerk shall immediately issue an order to such person to show cause why he or she has failed to properly file such bond and why his or her office should not be declared vacant. If such person properly files the official bond within ten days of the issuance of the show cause order for appointed officials or before the date for taking office for elected officials, such filing shall be deemed to be in compliance with this section. If such person does not file the bond within ten days of the issuance of such order for appointed officials or before the date for taking office for elected officials and sufficient cause is not shown within that time, his or her office shall thereupon ipso facto become vacant and such vacancy shall thereupon immediately be filled by election or appointment as the law may direct in other cases of vacancy in the same office. *(Neb RS 11-115)*

(K) Any person appointed to fill a vacancy, before entering upon the duties of the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided. *(Neb.RS 11-116)*

(L) When the incumbent of an office is reelected or reappointed, he or she shall qualify by taking the oath and giving the bond as above directed, but when such officer has had public funds or property in his or her control, his or her bond shall not be approved until he or she has produced and fully accounted for such funds and property. When it is ascertained that the incumbent of an office holds over by reason of the nonelection or non-appointment of a successor or of the neglect or refusal of the successor to qualify, he or she shall qualify anew within 10 days from the time at which his or her successor, if elected, should have qualified. *(Neb RS 11-117)*

(M) No person shall be surety for the same officer for more than 2 successive terms of the same office, but this provision shall not apply to incorporated surety companies. *(Neb RS 11-118)*

(N) If the sureties on the official bond of any appointed officer of the city, in the opinion of the City Council, become insufficient, the Council/Board may, by resolution, fix a reasonable time within which the officer may give a new bond or additional sureties as directed. If the officer fails, refuses or neglects to give a new bond or additional sureties to the satisfaction and approval of the Council, the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the Council/Board to appoint a competent and qualified person to fill the office. *(Ord 912, 3/24/2014)*

Article 2. Appointed Officials

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

(A) (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. Such officers may be removed from office by the Mayor.

(2) The terms of office for all officers, except regular police officers, appointed by the Mayor and confirmed by the Council shall be established by the City Council by ordinance. The ordinance shall provide that either:

(a) The 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; or

(b) The officers hold office for one (1) year unless sooner removed. *(Ref 17-107 RS Neb)*

(B) (1) The City may enact ordinances or bylaws to regulate and prescribe the powers and duties of officers not provided for in state law. *(Ref 17-604 RS Neb)*

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

(Amended by Ords 401, 3/28/77; 686, 11/24/97; 896, 1/23/12)

§1-202 APPOINTED OFFICIALS; MERGER OF OFFICES:

The Governing Body of the Municipality may, in its discretion, by ordinance combine, and merge any elective, or appointive office, or employment, except the Mayor or a City Councilmember with any other elective, or appointive office so that one or more of such offices may be held by the officer or employee at the same time. Any offices so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. *(Ref 17-108.02 RS Neb) (Amended by Ord 493, 10/8/84)*

§1-203 APPOINTED OFFICIALS; MUNICIPAL CLERK:

A) The (City/Village) Clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the (City Council/Board of Trustees). After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the Clerk may transfer the journal of the proceedings of the (City Council/Board of Trustees) to the State Archives of the Nebraska State Historical Society for permanent preservation. The Clerk shall also perform such other duties as may be required by the ordinances of the (city/village). If the Clerk is acting as the Treasurer, he or she shall also comply with the requirements of § 31.05(A)(3). *(Neb. RS 17-605)*

(B) (1) It shall be the duty of the Clerk to prepare and publish the official proceedings of the (City Council/Board of Trustees) within 30 days after any meeting of the Council. The publication shall be in a newspaper of general circulation in the (city/village), shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in Neb. RS 23-122. (*Neb. RS 19-1102*)

(2) Publication under division (B)(1) shall be made in one legal newspaper of general circulation in the (city/village). If no legal newspaper is published in the (city/village), then the publication shall be made in one legal newspaper published or of general circulation within the county in which the (city/village) is located. The cost of publication shall be paid out of the general funds of the (city/village). (*Neb. RS 19-1103*)

(C) The Clerk shall dispose of or destroy (city/village) public records when the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to Neb. RS 84-1201 through 84-1220, provided the provisions of this division shall not apply to the minutes of the Clerk and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator. (*Neb. RS 18-1701*)

(D) (1) The Clerk shall permit any person to examine and copy the public records in the Clerk's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(2) The Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the (City Council/Board of Trustees).

(E) The Clerk shall permit no records, public papers, or other documents of the (city/village) kept and preserved in his or her office to be taken therefrom, except by such officers of the (city/village) as may be entitled to the use of the same, but only upon their leaving a receipt therefor, and except pursuant to Neb. RS 84-712(2). He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the (City Council/Board of Trustees) shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

(F) The Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at such officers, employees, or committees. With the seal of the (city/village), he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the (City Council/Board of Trustees).

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

(H) The Clerk shall keep in a book with a proper index, copies of all notices required to be published or posted by the Clerk by order of the (City Council/Board of Trustees) or under the ordinances of the (city/village). To each of the file copies of the notices shall be attached the printer's affidavit of publication, if the notices are required to be published, or the Clerk's certificate under seal where the same are required to be posted only.

(I) The Clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the (city/village), and in the event that the claim is disallowed in part or in whole, the Clerk shall notify the claimant or his or her agent or attorney by letter within 5 days after the disallowance, and the Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases. (*Amended by Ords 384, 3/22/76; 595, 7/12/93; 1009, 8/9/2021*)

§1-204 APPOINTED OFFICIALS; CITY TREASURER:

(A) (1) The (City/Village) Treasurer shall be the custodian of all money belonging to the (city/village). He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The Treasurer shall, at the end of every month, and as often as may be required, render an account to the (City Council/Board of Trustees), under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the (City/Village) Clerk's office. If the Treasurer fails to render his or her account within 20 days after the end of the month, or by a later date established by the (City Council/Board of Trustees), the Mayor may use this failure as cause to remove the Treasurer from office.

(2) The Treasurer shall keep a record of all outstanding bonds against the (city/village), showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The Treasurer shall accompany the annual statement submitted pursuant to Neb. RS 19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

(3) The Treasurer shall annually complete continuing education through a program approved by the Auditor of Public Accounts, and proof of completion of such program shall be submitted to the Auditor of Public Accounts. (*Neb. RS 17-606*)

(B) (1) The Treasurer shall prepare and publish annually within 60 days after the close of the (city/village) fiscal year a statement of the receipts and expenditures of funds of the (city/village) for the preceding fiscal year. The statement shall also include the information required by Neb. RS 16-318(3) or Neb. RS 17-606(2). Not more than the legal rate provided for in Neb. RS 33-141 shall be charged and paid for such publication. (*Neb. RS 19-1101*)

(2) Publication shall be made in one legal newspaper of general circulation in the (city/village). If no legal newspaper is published in the (city/village), then such publication shall be made in one legal newspaper published or of general circulation within the county in which the (city/village) is located. (*Neb. RS 19-1103*)

(C) (1) All warrants upon the Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. RS 77-2201 through 77-2215. (*Neb. RS 77-2201*)

(2) The Treasurer shall keep a warrant register, which register shall show in columns arranged for that purpose the number, the date, and the amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed. (*Neb. RS 77-2202*)

(3) The Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office. (*Neb. RS 77-2209*)

(4) The Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess. (*Neb. RS. 77-2210*)

(5) The cash book, register, and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid. (*Neb. RS 77-2212*)

(D) The Treasurer shall permit any person to examine and copy the public records in the Treasurer's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(E) The Treasurer shall keep all money belonging to the (city/village) separate and distinct from his or her own money. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the (city/village), whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the (City/Village) Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. (*Amended by Ord 790, 8/25/03; Ord 999, 8/9/2021*)

§1-205 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT: *(Repealed by Ord 790, 8/25/03)*

§1-206 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT: *(Repealed by Ord 790, 8/25/03)*

§1-207 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY:

The Municipal Attorney is the Municipality's legal advisor, 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)*

§1-208 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, 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)*

§1-209 APPOINTED OFFICIALS; MUNICIPAL POLICE-MAN:

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*)

§1-210 APPOINTED OFFICIALS; MUNICIPAL ENGINEER:

The Municipal Engineer shall make all surveys, estimates, and calculations necessary to be made for the establishment of any public utilities and the costs of labor and materials therefor. He shall accurately make all plats, sections, and maps as may be necessary under the direction of the Governing Body. Upon request, he shall estimate the costs of labor and material, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, or culverts and for the building, constructing, or repairing of any public improvement of the Municipality. Upon the request of the Governing Body, he shall inspect all works of public improvement, and if found to be properly done, shall accept the same, and report his acceptance to the Governing Body. He shall estimate the cost of all proposed Municipal utilities and public improvements, together with any extensions thereof, which the Governing Body may propose to construct or improve. He shall also perform such other duties in the line of his work as may be requested by the Governing Body. (*Ref 17-150, 17-568, 17-405, 17-919, 81-839 RS Neb*)

§1-211 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. 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. In the event no Building Inspector is specifically appointed, the Utilities Superintendent shall act as Building Inspector.

§1-212 APPOINTED OFFICIALS; MUNICIPAL ELECTRICAL INSPECTOR:

The Municipal Electrical Inspector shall enforce all laws relating to the installation of electrical wiring, and connections thereto. When acting in good faith, and without malice in the scope of his official duties, he 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 duties. He shall, in the discharge of his official duties, and upon proper identification, have authority to enter into any building, structure, or premise at any reasonable hour. He shall perform such other duties, and issue any permits that the Governing Body may direct. The Electrical Inspector may be removed at any time for good and sufficient cause by the Governing Body. In the event no Electrical Inspector is specifically appointed, the Utilities Superintendent shall act as Electrical Inspector.

§1-213 APPOINTED OFFICIALS; MUNICIPAL PLUMBING INSPECTOR:

The Municipal Plumbing Inspector shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith, and without malice in the scope of his official duties, he 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 duties. He shall, in the discharge of his official duties, and upon proper identification, have authority to enter into any building, structure, or premise at any reasonable hour. He shall perform such other duties and issue any permits that the Governing Body may direct. The Plumbing Inspector may be removed at any time for good and sufficient cause by the Governing Body. In the event no Plumbing Inspector is specifically appointed, the Utilities Superintendent shall act as Plumbing Inspector.

Article 3. Oath

§1-301 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 4. Corporate Seal

§1-401 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, "Pawnee City Seal, Pawnee 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*)