

Article 3. Appointed City Officials

Sec. 1-301 APPOINTED OFFICIALS; ENUMERATED; APPOINTMENT AND REMOVAL; ADMINISTRATOR; ASSISTANT ADMINISTRATOR; APPOINTMENT. The Municipality shall have such departments and appointed officials as shall be established by ordinance passed by the City Council, ~~which shall include a City Clerk, Treasurer, Engineer, Director of Public Works, and Attorney.~~ The Mayor may, by and with the approval of the City Council, appoint a City Administrator, Treasurer, City Clerk, Engineer, Attorney, Physician, and Chief of Police, and other such officials as may otherwise be deemed necessary required by law. Except as provided by law, the Mayor may, with the approval of the City Council, appoint the necessary officials, as well as the City Administrator and an Assistant City Administrator, who shall perform such duties as prescribed by ordinance. All appointed officials, except Chief of Police, may be removed at any time by the Mayor with the approval of a majority of the Council. The Chief of Police may be suspended or discharged only in accordance with the Nebraska Civil Service Act and the rules promulgated by the City of Blair Civil Service Commission pursuant to said Act. Except as provided by law, the appointed officials may be removed at any time by the Mayor with approval of a majority of the Council. The office of City Administrator and Assistant City Administrator may not be held by the Mayor. The appointed Administrator and Assistant Administrator may concurrently hold any other appointive office provided for in this Section. (Neb. Rev. Stat. §16-308)

Sec. 1-301.01 APPOINTED OFFICIALS; TERMS. All officials appointed by the Mayor and confirmed by the City Council shall hold the office to which they may be appointed until the end of the Mayor's term of office, ~~except the Chief of the Fire Department whose term of office shall be for one (1) year only,~~ or until their successors are appointed and qualified, unless sooner removed. (Neb. Rev. Stat. §16-309)

Sec. 1-301.02 APPOINTED OFFICIALS; SIMULTANEOUS OFFICES. The offices of City Clerk, City Administrator, City Treasurer, and any other offices except where prohibited by law, may be held by the same person. (Neb. Rev. Stat. §16-308, 16-318.01)

Sec. 1-302 ADMINISTRATOR; POWER; DUTIES. ~~The City Administrator, as chief executive officer, shall be responsible for the proper administration of the personnel management system by ensuring that appointments are based on merit and fitness; maintaining a sound position classification plan; equitably administering the compensation plan; ensuring that the City is an equal opportunity employer; maintaining employee discipline; ensuring high employee productivity; maximizing employee development opportunities; ensuring fair and effective appeal and grievance procedures; fostering good employee relations; and issuing such administrative directives as are necessary to implement these rules, and shall perform such other duties as may be required of him from time to time by the Mayor and Council.~~

Establishment and purpose. The office of the City Administrator is hereby established. The purpose of the office of City Administrator is to provide for the centralization of the administrative responsibilities of all affairs of the City which are under the direction of the Mayor and City Council.

Appointment and responsibilities.

(1) The City Administrator shall be appointed by the Mayor with the approval of a majority of the

City Council and shall serve at the pleasure of the Mayor and City Council, subject to the terms of any employment agreement and applicable law. The City Administrator shall be selected on the basis of executive and administrative qualifications, education, training, experience, and demonstrated ability in municipal administration.

(2) The City Administrator shall devote full time to the duties of the office and shall not hold any elective office of the City. The Mayor, with the approval of the City Council, may appoint an Acting City Administrator during the absence, disability, or vacancy of the office until a permanent appointment is made.

(3) The City Administrator shall serve as the administrative head of the City government under the direction and control of the Mayor and City Council and shall be responsible to the governing body for the efficient administration of municipal affairs. The City Administrator shall ensure that all ordinances, resolutions, policies, and directives of the City are faithfully executed and enforced. The City Administrator shall attend meetings of the City Council and such other meetings as may be required, reporting on matters concerning City operations and municipal affairs.

(4) The Administrator shall investigate and evaluate the affairs, functions, activities, and operations of all City departments, divisions, services, officers, and employees under his or her supervision and shall make recommendations to the Mayor and City Council concerning measures, ordinances, policies, and administrative improvements deemed necessary or beneficial to the efficient government of the City.

(5) The City Administrator shall coordinate and supervise the activities and operations of City departments, divisions, and services; implement directives of the Mayor and City Council; and keep the governing body fully informed regarding the financial condition, operational status, and needs of the City. The Administrator shall prepare and submit recommended annual budget estimates of revenues and expenditures and present a comprehensive financial plan for consideration by the Mayor and City Council. Following adoption of the budget and appropriations ordinance, the Administrator shall oversee and control budget expenditures and shall prepare and submit an annual report concerning the financial condition and administrative activities of the City.

(6) The City Administrator shall recommend to the Mayor and City Council the appointment, discipline, suspension, or dismissal of department heads and other positions subject to governing body approval as provided by law. Subject to applicable personnel policies, civil service provisions, and ordinances, the Administrator shall have authority over the appointment, supervision, transfer, discipline, and dismissal of subordinate employees within departments under his or her jurisdiction.

(7) The Administrator shall serve as the City's public information and community relations officer, investigate and attempt to resolve complaints concerning municipal operations and personnel, and cooperate with organizations and agencies whose activities promote the welfare and best interests of the City and its residents.

(8) The City Administrator shall work within the policies established by the Mayor and City Council and shall communicate with and report to the governing body as a whole rather than to individual members. Neither the Mayor nor any individual council member shall interfere with the day-to-day administration of City operations except as authorized by law, ordinance, or action of the City Council.

(9) The Administrator shall perform such other duties and exercise such additional powers as may be assigned by ordinance, resolution, or lawful direction of the Mayor and City Council. In the absence or incapacity of the City Administrator, the Deputy City Administrator designated by the Mayor shall perform the duties and exercise the authority of the City Administrator.

(10) Political activity; conflict of interest. The City Administrator shall not participate in any political activity on behalf of candidates or issues involving public trust, except for the casting of an individual ballot. The Administration shall be an officer of the City within the meaning of Neb R.R.S. §16-502, and shall be subject to and bound by the prohibitions contained therein. (Neb. Rev. Stat. §16-308)

Sec. 1-302.01 ASSISTANT CITY ADMINISTRATOR; POWER; DUTIES. ~~In the absence of the City Administrator, the Assistant City Administrator shall serve as the chief executive officer. The Assistant City Administrator shall have overall responsibility for assisting in the enforcement of laws and ordinances, administration of personnel management systems, fiscal planning and management with emphasis on Human Relations and special projects, and shall also perform such other duties as may be required of the Assistant Administrator by the Administrator.~~

Sec. 1-303 CITY CLERK; DUTIES. The City Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. ~~The City Clerk shall keep a record of outstanding bonds against the Municipality and when any bonds are sold, purchased, paid or canceled, said record shall show the fact. The City Clerk shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through the City Clerk's office for the year in which he or she 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. The City Clerk shall file all official bonds after the same shall have been properly executed, and approved. The City Clerk 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 City Clerk shall issue, and sign all licenses, permits, and occupation tax receipts authorized by law, and required by the Municipal ordinances. The City Clerk shall collect all occupation taxes, and license money except where some other Municipal officer is specifically charged with that duty. The City Clerk shall keep a register of all licenses granted in the Municipality, and the purpose for which they have been issued.

The City Clerk shall permit no records, public papers, or other documents of the Municipality kept, and preserved in the City Clerk's office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. The City Clerk shall keep all the records of the office, including a record of all licenses issued by the City Clerk in a record book with a proper index. The City Clerk shall include as part of the City Clerk's records all petitions under which the Governing Body shall order public work to be done at the expense of the property subject thereto, together with references to all resolutions, and ordinances relating to the same. The City Clerk shall endorse the date, and hour of filing upon every paper, or document filed in said office. All such filings made by the City Clerk shall be properly docketed. Included in the City Clerk's records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference.

The City Clerk shall keep, and preserve the proceedings of the Governing Body in two (2) separate, and distinct record books: the Minute Records, wherein shall be recorded the

miscellaneous, and informal doings of the Governing Body; Provided 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; and the Ordinance Record wherein shall be recorded 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, as required by law, have been completed, the City Clerk shall record and spread at large in the Ordinance Record his or her ordinance minutes or printed forms. ~~The City Clerk 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, the City Clerk shall then make a report of 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 City Clerk shall deliver all warrants, ordinances and resolutions under his or her charge to the Mayor for the Mayor's signature. The City Clerk shall also deliver to officers, employees, and committees all resolutions and communications which are directed to said officers, employees, or committees. With the seal of the Municipality, the City Clerk shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, unless otherwise directed, the City Clerk shall prepare and publish the substance of the proceedings in a legal newspaper of general circulation in the Municipality, and which was duly designated as such by the Governing Body; 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. The City Clerk shall then keep a record book with a proper index, with copies of all notices required to be published or posted by the City Clerk by order of the Governing Body, or under the ordinances of the Municipality, to which notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the City Clerk's certificate under seal where the same are required to be posted only.

The City Clerk shall receive all objections to creation of paving districts, and other street improvements. The City Clerk 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 City Clerk shall notify such claimant, his or her agent, or attorney by letter within five (5) days after such disallowance, and the City Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases. The City Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Governing Body. The City Clerk shall destroy Municipal Records under the direction of the Nebraska State Records Board pursuant to sections 84-1201 thru 84-1220 of the statutes of Nebraska and as may be amended from time to time; Provided, the Governing Body shall not have the authority to destroy the Minutes of the City Clerk, the permanent ordinances and resolution books or other records classified as permanent by the Nebraska State Records Board. (Neb. Rev. Stat. §16-317, 19-1102, 19-1104, 84-1201 thru 84-1220, 84-712)

Sec. 1-304 (Repealed by Ordinance No. _____) Reserved for Future Use.

Sec. 1-304.01 DEPUTY CITY CLERK; DUTIES. ~~The Mayor with the advice and consent of the Council may appoint a Deputy City Clerk who shall perform all duties and functions as are delegated to him or her by the City Clerk and City Council. In the absence of the City Clerk, he or she shall perform the duties and functions of the City Clerk. (Ord. No. 1078, 4/10/73)~~

Sec 1-304 CITY CLERK; PUBLICATION OF CLAIMS. The ~~Municipal~~ City Clerk shall include in the minutes of each meeting, published as required in Section 1-322, 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 fifteenth (15th) and August fifteenth (15th) 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. (Neb. Rev. Stat. §19-1102) (Ord. No. 1172, 2/24/76)

Sec. 1-305 ~~APPOINTED OFFICIALS; CITY TREASURER; DUTIES.~~ The Treasurer of the City shall be custodian of and receive all money belonging to the City. The Treasurer shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. The Treasurer shall, at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. The Treasurer shall accompany such account with a statement of all receipts and disbursements, together with all warrants retained and paid by the Treasurer, which warrants, with all vouchers held by the Treasurer, shall be filed with the Treasurer's account in the Clerk's office. The Treasurer shall produce and show all funds shown by such report to be on hand, or satisfy the Council or its committee that he or she has such funds in his or her custody or under his or her control. If said Treasurer neglects or fails, for the space of ten (10) days from the end of every month, to render his or her account, the Treasurer's office may, by resolution of the Mayor and Council, be declared vacant; and the Mayor shall appoint and the Council confirm some person to fill the vacancy. The Treasurer shall keep the books and accounts in such a manner as the Mayor and Council shall prescribe and shall keep a daily cash-book. All of the books and accounts of the Treasurer shall always be subject to inspection by the Mayor, members of the Council and such other persons as they may designate. The Treasurer shall perform such other duties as are required by him or her by the laws of the City and the statutes of Nebraska. The Treasurer shall keep all money belonging to the City separate and distinct from his or her own money; and the Treasurer is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in the Treasurer's custody and keeping same for his or her own use and benefit or that of any other person whomsoever. Any violation of this Section shall subject the Treasurer to immediate removal from office by the City Council, and it may declare such office vacant. The Mayor shall appoint a successor, who shall be confirmed by the City Council, to hold office for the remainder of the term. The City Treasurer shall be required to post bond in an amount and under such terms and conditions as provided by law. (Neb. Rev. Stat. §16-318, 16-717, 16-719)

Sec. 1-306 CITY TREASURER; DUTIES; RECEIPTS. The Treasurer shall give every person paying money into the treasury and the Treasurer's office a receipt therefor, which shall be in duplicate, 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 same was paid in cash, in warrants, or otherwise, one (1) of which duplicates the Treasurer shall deliver to the person making such payment and the other retained by the Treasurer and file such copy with the monthly reports. (Neb. Rev. Stat. §16-318, 77-2209)

Sec. 1-307 CITY TREASURER; DUTIES; BOOKS. The Treasurer shall daily, as moneys are

received, foot the several columns of the cashbook 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, the Treasurer shall close the account for that year in such register and shall carry forward the excess. Any Treasurer who shall fail regularly to enter upon the cashbook the amounts so received and receipted for, or who shall fail to keep the cashbook footed from day to day, for the space of three (3) days, shall forfeit for each offense the sum of one hundred (\$100.00) dollars, to be recovered in a civil action on the Treasurer's official bond by any person holding a warrant drawn on such Treasurer, one half (1/2) to the person bringing such action, and one half (1/2) to the school fund of the County in which the action is brought. The cashbook, 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. Rev. Stat. § 77-2210 thru 77-2212)

Sec. 1-308 Repealed by Ordinance No. 1078 04/10/1973

Sec 1-309 CITY TREASURER; ANNUAL REPORT; PENALTY. It shall be the duty of the Treasurer to prepare and publish annually, within sixty (60) days following the close of the Municipal fiscal year, a statement of the receipts and expenditures by funds of the City for the preceding fiscal year. Not more than the legal rate shall be charged and paid for such publication. Such publication shall be made in one (1) legal newspaper of general circulation in the City. Any Treasurer failing or neglecting to prepare and publish such statement of receipts and expenditures shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not to exceed twenty-five (\$25.00) dollars, and be liable, in addition to removal from office for such failure or neglect. (Neb. Rev. Stat. §19-1101, 19-1103, 19-1104)

Sec. 1-310 CITY TREASURER; WARRANTS. The Treasurer shall keep a warrant register which shall show in columns arranged for that purpose, the number, date, and 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 same 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 mailed. On presentation of a warrant for payment to the Treasurer when there are not sufficient moneys on hand to the credit of the proper fund to pay the same, it shall be the duty of the Treasurer to enter such warrant in the wan-ant register for payment in the order of its presentation and the Treasurer shall endorse on the warrant the words "registered for payment" with the date of registration and shall sign such endorsement, whereupon the wan-ant shall draw interest at the rate fixed by the Mayor and City Council, which rate shall be endorsed on the warrant, until notice of payment shall be given the registered owner. The Treasurer shall neither directly or indirectly contract for or purchase any City warrant at any discount whatever upon the sum due on such warrant or order, and if the Treasurer shall so contract for or purchase any such order or warrant, the Treasurer shall not be allowed in settlement the amount of such order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant.

The City ~~Clerk~~ Treasurer 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, the City ~~Clerk~~ Treasurer shall then make a report of 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 City ~~Clerk~~ Treasurer shall keep a record of outstanding bonds against the Municipality and when any bonds are sold, purchased, paid or canceled, said record shall show the fact. The City ~~Clerk~~ shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through the City Clerk's office for the year in which he or she 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. The City ~~Clerk~~ Treasurer shall file all official bonds after the same shall have been properly executed, and approved. The City ~~Clerk~~ Treasurer shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body. (Neb. Rev. Stat. § 45-106, 77-2202, 77-2203) (Amended by Ordinance 2121 8/28/2007)

Sec. 1-311 CHIEF OF POLICE; POLICE OFFICER; POWERS; DUTIES. The Chief of Police shall have the immediate superintendence of the police. The Police Chief and the police officers shall have the power, and it shall be their duty, to arrest all offenders against the laws of Nebraska or of the City, by day or by night, in the same manner as a Sheriff or Constable, and keep them in the City prison or other place to prevent their escape, until a trial or examination may be had before the proper officer; and they shall have the same power as a Sheriff and Constable in relation to all criminal matters arising out of a violation of a Municipal law and all process issued by the County Court in connection with a violation of a Municipal law. They shall arrest and detain any person found violating any law of Nebraska or any law of the City, until a legal warrant can be obtained. Each member of the Police Department of the City shall have the duties of becoming well informed to the ordinances of the City, or enforcing such laws, of wearing at all times while on duty the badge, uniform and insignia furnished by the City for the Police and of properly caring for same, and such further duties as shall be assigned to them by the Mayor and Council and as are otherwise provided by law. The Chief of Police shall have custody of all Municipal property used by the City Police; shall execute the orders of the Mayor; shall be a member of the Board of Health and the Secretary and quarantine officer thereof; shall have charge of traffic control on the City streets; shall make and file or cause to be made and filed complaints for violations of the ordinances of the City; ~~shall have charge of the City jail and the prisoners therein~~; and shall perform such other duties as are assigned to or required of the Police Chief by the Mayor and Council or otherwise provided by law. (Neb. Rev. Stat. §16-225, 16-238, 16-323, 29-401) (Amended by Ordinance 1102 12/11/73; Ordinance 1140 6/24/75)

Sec. 1-312 ~~Repealed by Ordinance No 08/11/2026~~ APPOINTED OFFICIAL; DIRECTOR OF PUBLIC WORKS. ~~The Director of Public Works shall be appointed by the Mayor subject to the approval of the City Council of the Municipality. The Mayor and City Council shall set and determine the compensation which shall be received by the Director of Public Works. The Director of Public Works shall be under the direct supervision, control of and shall report to the City Administrator of the Municipality and shall perform such duties as prescribed by the Mayor and City Council. The term of the office shall be that as set forth in Section 1-301.01 of the Municipal Code. (Ord. No. 1374)~~

Sec. 1-313 CITY ENGINEER; POWERS; DUTIES. The City Engineer shall, when requested by the Mayor or City Council, 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 to be made for the establishment of grades, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, gutters, the improvement

of streets, and the erection and repair of building, and for the purchase of motor equipment, street machinery and other mechanical equipment for the use of the City, and shall perform such other duties as the Council may require. (Neb. Rev. Stat. §16-320, 16-321)

Sec. 1-314 SPECIAL ENGINEER. The Mayor and Council may, whenever they deem it expedient, employ a special engineer to make or assist in making any particular estimate or survey. Any such estimate or survey shall have the same validity and serve in all respects as though the same had been made by the City Engineer. (Neb. Rev. Stat. §16-322)

Sec. 1-315 CITY ENGINEER; RECORDS. The City Engineer shall make a record of the minutes of the Engineer's surveys and all other work done for the City including sewer, extension of water system and heating system, electric light and sewerage system and power plant, and accurately make such plats, sections, profiles, and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the City and be turned over to any successor. (Neb. Rev. Stat. §6-320)

Sec. 1-316 APPOINTED OFFICIALS; CITY ATTORNEY. The City Attorney shall be the advisor of the Council and City officers. The City Attorney shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on behalf of the City, or that may be ordered by the Council. The City Attorney shall attend meetings of the Council and give them his or her opinion upon any matter submitted to the City Attorney, either orally or in writing as may be required. The City Attorney shall ~~draw~~ **prepare or review** all ordinances, contracts and other documents requested by the Mayor and Council. The Mayor and City Council shall have the right to pay the City Attorney additional compensation for legal services performed by him or her for the City or to employ additional legal assistance other than the City Attorney and to pay for such legal assistance out of the funds of the City. (Neb. Rev. Stat. §16-319)

Sec. 1-317 CITY PHYSICIAN; DUTIES; COMPENSATION. The City Physician shall be a physician who resides permanently in the City and be a member of the Board of Health of the City and shall be its medical adviser. When requested by the Mayor or City Attorney, the City Physician shall investigate all cases of injury to persons in which liability against the City may be asserted and make a written report thereof, including the circumstances causing the injury and the nature and extent of the injury. The City Physician shall perform such other duties of a medical and healthful nature as shall be assigned to the City Physician from time to time by the Mayor and Council. The City Physician shall receive no compensation as a member of the Board of Health or any salary as City Physician, but shall be allowed compensation for services so assigned pursuant hereto and rendered the City at the usual rates prevailing in the City for such services. (Neb. Rev. Stat. §16-238, 16-308)

Sec. 1-318 OFFICIALS; EMPLOYEES; PROPERTY. Every official and employee of the City or of any of its boards or departments shall promptly and fully account for and deliver to any successor or as otherwise directed by the Mayor and Council, all money, equipment and other property of the City which such official or employee has in their possession or has received from the City during their term of office or employment.

Sec. 1-319 COMPENSATION; CONFLICT OF INTEREST. No official of the Municipality

shall be permitted to benefit from any contract to which the Municipality is a party when the consideration of the said contract is in an amount in excess of ten thousand (\$10,000.00) dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this Section. Any such interest in a contract shall void any obligation on the part of the Municipality; Provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the Municipality shall not be considered a contract under the provisions of this Section. No official shall receive any pay or compensation from the Municipality other than his salary. The Governing Body shall not pay or appropriate any money or other valuable thing to pay a person who is not an official for the performance of any act, service, or duty which shall come within the proper scope of the duties of any official of the Municipality; Provided, that ownership of less than one (1%) percent of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this Section. Any person violating the terms of this Section shall be subject to the same penalties as provided by the statutes of the State of Nebraska. (Neb. Rev. Stat. §16-502, 18-301)

Sec. 1-320 OFFICIALS; VACANCIES. Vacancies in the City elected offices shall be filled by the Mayor and Council for the unexpired term. Notice of a vacancy, except that resulting from the death of an incumbent, shall be in writing and presented to the Council at a regular meeting and shall appear as a part of the minutes of said meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the city the office vacated and the length of time of the unexpired term. The Mayor shall call a special meeting of the 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. 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 Council shall vote upon such nominee, and if a majority of the Council votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the Mayor shall at the next regular meeting submit the name of another qualified elector to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the Mayor shall continue at such meeting to submit the names of qualified electors in nomination and the Council shall continue to vote upon said nomination until the vacancy is filled. The Mayor shall cast his or her vote for or against the nominee in the case of a tie vote of the Council. All Council members present shall cast a ballot for or against the nominee. Any member of the Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if such person were elected.

The Mayor, in lieu of filling a vacancy in a City elected office may, as provided in Neb. Rev. Stat. §32-568, call a special city election to fill such vacancy.

If vacancies exist in the offices of a majority of the members of Council, the Secretary of State shall conduct a special city election to fill such vacancies.

Any appointive official may be removed at pleasure by vote of a majority of all members of the Council. In the case of a vacancy occurring in an appointive office, the Mayor shall, at the next regular meeting of the Council, submit the Mayor's nominee to fill said vacancy which nominee shall be subject to approval by a majority vote of the Council. (Neb. Rev. Stat. §32-569) (Amended by Ordinance 2121 8/28/2007)

Sec. 1-321 OFFICIALS; RESIGNATION. Resignation of City officials shall be made in writing to the Mayor and Council and no resignation shall take effect until accepted by the Mayor and Council. (Neb. Rev. Stat. §32-562)

Sec. 1-322 OFFICIALS; REPORT; PENALTY. Every official of the City shall promptly and properly make and file a report in detail of the transactions of his or her office or of any matters connected therewith as required by the ordinances of the City or the laws of Nebraska or when requested to do so by the Mayor and Council and any official who shall fail to do so may be removed from office by a vote of three-fourths (3/4) of the Council. (Neb. Rev. Stat. §16-220)

Sec. 1-323 Repealed by Ordinance No. 1488.

Sec. 1-324 Repealed by Ordinance No. 1488.

(END OF SECTION)