

CHAPTER 1

ADMINISTRATIVE

ARTICLE 2. APPOINTED OFFICIALS

1-201 APPOINTED OFFICIALS; GENERAL AUTHORITY. The Governing body may appoint a Municipal Clerk, a Municipal Treasurer, a Municipal Utilities Superintendent, Street Commissioner and a Municipal Marshal. It shall also appoint a Board of Health consisting of three (3) members. The Chairman of the Governing Body shall be the Chairman of the Board of Health, the Marshal shall be the Secretary and Quarantine Officer of the Board of Health and an additional member who shall be a physician when a physician is residing permanently in the Municipality and, when there is no physician present, then such other person as the Governing Body may select. They shall also appoint such additional officials and employees as they may determine the Municipality needs. All such appointees shall hold office for one (1) year unless sooner removed by the Chairman of the Board and with the advice and consent of the Governing Body. (Ref. 17-208 RS Neb.)

1-202 APPOINTED OFFICIALS; MERGER OF OFFICES. The Governing Body of the Municipality may at its discretion by ordinance combine and merge any elective or appointive offices of employment, except Member of the Governing Body, with any other elective or appointive office or employment so that one or more of such offices may be held by the same officer at the same time, except that trustees may perform seasonal or emergency work subject to 49-14,103.01 to 49-14,103.06 provided, the offices so merged and combined shall always be construed to be separate and the effect of the combination shall be limited to a consolidation of the official duties only; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the office so combined. For the purposes of this section, volunteer fire fighters and ambulance drivers shall not be considered officers. (Ref. 17-209.02, 49-14,103.01 through 49-103.06 RS Neb.)

1-203 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 or she shall keep a record of all outstanding bonds against the Municipality and, when any bonds are sold, purchased, paid or cancelled, said record shall show the fact. He or she shall make at the end of the fiscal year a report of the business of the Municipality transacted through his or her office for the year. That record shall describe particularly the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He or she shall file all official bonds after the same shall have been properly executed and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

The Municipal Clerk shall issue and sign all licenses, permits and occupation tax receipts authorized by law and required by the municipal ordinances. He or she shall collect all occupation taxes and license money except where some other Municipal officer is specifically charged with

that duty. He or she shall keep a register of all licenses granted in the Municipality and the purpose for which they have been issued.

The Municipal Clerk shall permit no records, public papers or other documents of the Municipality kept and preserved in his office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same but only upon their leaving a receipt therefor. He or she shall keep all the records of his 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 records all petitioner 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 or she 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 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, 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.

Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public record at all reasonable times.

The Municipal Clerk shall deliver all warrants, ordinances and resolutions under his charge to the Chairman for his signature. He or she shall also deliver to officers, employees and committees all resolutions and communications which are directed at said officers, employees or committees. With the seal of the Municipality, he or she shall duly attest the Chairman'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 (1) item. Between July 15 and August 15 of each year, the employee job title shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He or she shall then keep 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 or she shall receive the claims of any person against the Municipality and, in

the event that the said claim is disallowed in part or in whole, the Municipal Clerk shall notify such claimant, his agent or attorney by letter within five (5) days after such disallowance and the Municipal Clerk shall then prepare transcripts on appeal 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 or her office as set by resolution of the Governing Body. He or she shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 through 84-1220; provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal Clerk, the permanent ordinances and resolution books or any other records classified as permanent by the State Records Board. (Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.)

1-204 APPOINTED OFFICIALS; MUNICIPAL TREASURER. The Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He or she shall keep all money belonging to the Municipality separate and distinct from his own money. He or she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He or she shall issue triplicate (3) receipts for all moneys received by him for the Municipality. He or she shall give to every person paying money into the Municipal Treasury a receipt therefor specifying the date of payment and the account paid. One (1) of the receipts shall be filed with his monthly report and the last copy of the said receipt shall be kept on file in his office. His or her books and account 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 or she shall cancel all bonds, coupons, warrants and other evidences of debt against the Municipality whenever paid by him or her by writing or stamping on the face thereof "Paid by the Municipal 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 shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily and he or she shall adopt such bookkeeping methods as the Governing Body shall prescribe. He or she shall invest and collect all money owed by or owed to the Municipality as directed by the Governing Body. (Ref. 17-606 through 17-609, 84-712 RS Neb.)

1-205 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT. The Municipal Treasurer shall at the end of each and every month and at 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 or she shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him. He or she shall also produce depository evidence that all Municipal money is in a solvent and going bank in the name of the Municipality. If the Municipal Treasurer shall neglect or fail for the space of ten (10) days from the end of each and every month to render his or her 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 or she shall read and file his monthly report. (Ref. 17-606 RS Neb.)

1-206 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 or her 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 NE)

1-207 APPOINTED OFFICIALS; SPECIAL ENGINEER. The Governing Body may employ a special engineer to make any particular estimate, survey or other work. The special engineer shall make a record of the minutes of his or her surveys and all other work done for the Municipality. He or she shall when directed by the Governing Body accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Governing Body. He or she shall upon request of the Governing Body make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the Municipality. All records of the engineer shall be public records which shall belong to the Municipality and shall be turned over to his successor. He or she shall when directed by the Governing Body inspect all works of public improvement and, if found to be properly done, shall accept the same and report his or her acceptance to the Governing Body. He or she 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. (Ref. 17-405, 17-568, 17-919 RS Neb.)

1-208 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT. A Utilities Superintendent shall be appointed in the event that there is more than one Municipal utility and the Governing Body determines that it is in the best interest of the Municipality to appoint one (1) official to have the immediate control over all the said Municipal utilities and Municipal streets. The Utilities Superintendent may be removed at any time by a majority vote of the Governing Body. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner herein provided for the appointment of all Municipal officials. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He or she shall have general supervision and control over the Municipal Water System and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System which the Governing Body may

from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he or she shall collect all money received by the Municipality on account of the said system of water works and shall faithfully account for and pay over to the Municipal Treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Superintendent. He or she shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said water system of all mains, pipes, hydrants, reservoirs and machinery and such improvements, repairs and extension thereof as he or she may think proper. This report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions of the said waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his or her duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He or she shall perform such additional duties as may be prescribed by the Governing Body.

Sewer Department

He or she shall have general supervision and control over the Municipal Sewer System and shall be primarily responsible for its economic operation and prudent management. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Sewer System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he or she shall collect all money received by the Municipality on account of the said system of sewer works and shall faithfully account for and pay over to the Municipal Treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Superintendent. He or she shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said sewer system of all mains, pipes, treatment facilities and machinery and such improvements, repairs and extension thereof as he may think proper. This report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions of the said sewer works system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his or her duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He or she shall perform such additional duties as may be prescribed by the Governing Body. (Ref. 17-541 RS Neb.)

Street Department

The Utilities Superintendent shall, subject to the orders and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, alleys and bridges of the Municipality and shall perform such other duties as the Governing Body may require. It shall be his or her responsibility to see that gutters and drains therein function properly

and that the same are kept in good repair. He or she shall, at the request of the Governing Body, make a detailed report to the Governing Body on the condition of the streets, sidewalks, culverts, alleys and bridges of the Municipalities and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he or she may believe are needed to maintain a satisfactory street system in the Municipality along with an estimate of the cost thereof. He or she shall have other duties as the Governing Body may direct. (Ref. 17-119, 17-541, 17-543 RS Neb.)

Park Department

The Utilities Superintendent shall have general supervision and control over the Park Department and shall be primarily responsible for its economic operation and prudent management. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have general control and supervisory control over all employees of the Park department which the Governing Body may from time to time hire to operate and maintain said system. He or she shall make a detailed report to the governing body prior to budget time and following the end of the park season.

1-209 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY. The Municipal Attorney is the Municipality's legal advisor and as such he or she shall commence, prosecute and defend all suits on behalf of the Municipality. When requested by the Governing Body, he or she shall attend meetings of the Governing Body and shall advise any Municipal official in all matters of law in which the interests of the Municipality may be involved. He or she shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Municipality. He or she shall examine all bonds, contracts and other writings as may be required in the administration of the affairs of the Municipality. He or she shall examine all bonds, contracts and documents on which the Governing Body will be required to act and attach thereto a brief statement in writing to all such instruments and documents as to whether or not the document is in legal and proper form. He or she shall prepare complaints, attend and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he or she shall appear and prosecute all cases for violation of the Municipal ordinances that have been appealed to and are pending in any higher court. He or she shall also examine when requested to do so by the Governing Body the ordinance records.