**CHAPTER 1**

ADMINISTRATIVE

**ARTICLE 1. ELECTED OFFICIALS**

1-101 **VILLAGE BOARD CHAIRMAN; SELECTION AND DUTIES.** THE VILLAGE BOARD CHAIRMAN SHALL BE SELECTED AT THE FIRST MEETING IN EVERY YEAR BY THE VILLAGE BOARD FROM THEIR OWN MEMBERSHIP. THE VILLAGE BOARD CHAIRMAN SHALL PRESIDE AT ALL MEETING OF THE VILLAGE BOARD. IN THE ABSENCE OF THE VILLAGE BOARD CHAIRMAN, THE VILLAGE BOARD SHALL ELECT ONE OF THEIR OWN BODY TO OCCUPY THE PLACE TEMPORARILY WHO SHALL HOLD THE TITLE OF CHAIRMAN PRO TEMPORE OF THE VILLAGE BOARD. THE CHAIRMAN AND CHARIRMAN PRO TEMPRE SHALL HAVE THE SAME POWERS AND PRIVILEGES AS OTHER MEMBERS OF THE BAORD. THE CHAIRMAN SHALL CAUSE THE ORDINACES OF THE BOARD TO BE PRINTED AND PUBLISHED FOR THE INFORMATION OF THE INHABITANTS. THE VILLAGE CHAIRMAN SHALL ALSO PERFORM ALL DUTIES OF HIS OFFICE IN ACCORDANCE OF THE VILLAGE. THE QUALIFICATIONS FOR THE VILLAGE BOARD CHAIRMAN SHALL BE THE SAME GENERAL QUALIFICATIONS THAT APPLY TO THE VILLAGE BOARD MEMBERS. (REF. 17-202 THRU 17-210 RS NEB)

1-102 **VILLAGE BOARD; ORGANIZATION.** THE BOARD OF TRUSTEES SHALL CONSIST OF FIVE MEMBERS. ANY PERSON WHO IS A CITIZEN OF THE UNITED STATES, A RESIDENT OF THE MUNICIPALITY AT THE TIME OF HIS ELECTION, AND A REGISTERED VOTER MAY BE ELIGIBLE TO BE ELECTED TO THE BOARD OF TRUSTEES. EVERY TRUSTEE SO ELECTED AND SO QUALIFIED SHALL HOLD HIS OFFICE FOR THE TERM AND THE OFFICE WILL BECOME VACANT UPON A CHANGE OF RESIDENCE FROM THE MUNICIPALITY. THE BOARD OF TRUSTEES SHALL, BEFORE ENTERING THE DUTIES OF THEIR OFFICE, TAKE AN OATH TO SUPPORT THE CONSITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THE STATE FO NEBRASKA, AND FAITHFULLY AND IMPARTIALLY SHALL QUALIFY AND MEET ON THE FIRST MONDAY IN JUNE, ORGANIZE, AND APPOINT THE MUNICIPAL OFFICERS REQUIRED BY LAW. (REF. 17-202 THRU 17-204 RS NEB)

1-103 **VILLAGE BOARD; POWERS AND DUTIES.** THE BOARD OF TRUSTEES SHALL HAVE THE POWER TO PASS ORDINACES TO PREVENT AND REMOVE NUISANCES; TO PREVENT, RESTRAIN, AND SUPPRESS GAMBLING, AND DISORDERLY HOUSES; TO LICENSE AND REGULATE AMUSEMENTS; TO ESTABLISH POLICE PROTECTION; TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES; TO REGULATE BUSINESS; TO ERECT, REPAIR, CONSTRUCT, AND REGULATE THE PUBLIC WAYS AND PROPERTY; TO MAINTAIN GOOD GOVERNMENT, PUBLICE WELFARE, AND DOMESTIC TRANQUILITY; AND TO ENFORCE ALL ORDINACES BY INFLICTING PENALTIES UPON INHABITANT, OR OTHER PERSONS FOR VIOLATION THEREOF NOT EXCEEDING $100.00 FOR ANY ONE OFFENSE. (REF. 17-207 RS NEB)

1-104 **SELECTED OFFICIALS; VACANCY.** VACANCIES IN VILLAGE ELECTED OFFICES SHALL BE FILLED BY THE BOARD OF TRUSTEES FOR THE BALANCE OF THE UNEXPIRED TERM EXCEPT AS PROVIDED IN THIS SECTION. NOTICE OF A VACANCY RESULTING FROM THE DEATH OF THE INCUMBENT, SHALLS BE IN WRITING AND PRESENTED TO THE BOARD OF TRUESTEES AT A REGULAR OR SPECIAL MEETIG AND SHALL APPEAR AS A PART OF THE MINUTES OF SUCH MEETING.

THE BOARD OF TRUSTEES SHALL AT ONCE GIVE PUBLIC NOTICE OF GENERAL THE VACANCY BY CAUSING TO BE PUBLISHED IN THE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE VILLAGE OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE THE OFFICE VACATED AND THE LENGTH OF THE UNEXPIRED TERM

THE CHAIRPERSON OF THE BOARD SHALL WITHIN FOUR WEEKD AFTER THE REGULAR MEETING AT WHICH SUCH NOTICE HAS BEEN PRESENTED, OR UPON THE DEATH OF THE INCUMBENT, CALL A SPECIAL MEETING OF THE BOARD OF TRUSTEES AT WHICH TIME THE CHAIRPERSON SHALL SUBMIT THE NAME OF A QUALIFIED ELECTOR TO FILL THE VACANCY FOR THE BALANCE OF THE UNEXPIRED TERM.

NO OFFICER WHO IS REMOVED AT A RECALL ELECTION OR RESIGNS AFTER THE INITIATION OF THE RECALL PROCESS SHALL BE APPOINTED TO FILL THE VACANCY RESULTING FROM HIS OR HER REMOVAL OR THE REMOBAL OF ANY OTHER MEMBER OF THE BOARD OF TRUSTEES DURING THE REMAINDER OF HIS OR HER TERM OF OFFICE.

UPON A MAJORITY VOTE OF APPROVAL BY THE BOARD OF TRUSTEES THE VACANCY SHALL BE FILLED. IF A MAJORITY VOTE IS NOT REACHED THE NOMINATION SHALL BE REJECTED AND THE CHAIRPERSON SHALL AT THE NEXT REGULAR MEETING SUBMIT THE NAME OF ANOTHER QUALIFIED ELECTOR. IF THE VOTE ON THE NOMINEE FAILS TO CARRY BY MAJORITY VOTE, THE CHAIRPERSON SHALL CONTINUE AT SUCH MEETING TO SUBMET THE NAMES OF QUALIFIED ELECTORS AND THE BOARD OF TRUSTEES SHALL CONTINUE TO VOTE UPONE SUCH NOMINATIONS UNTIL THE VACANCY IS FILLED.

THE CHAIRPERSON SHALL CAST HIS OR HER VOTE ONLY IN CASE OF A TIE VOTE OF THE BOARD OF TRUSTEES.

ALL MEMBERS OF THE BOARD OF TRUESTEES SHALL CASE A BALLOT FOR OR AGAINST EACH NOMINEE.

THE CHAIRPERSON AND BOARD OF TRUSTEES MAY, IN LIEU OF FILLING A VACANCY IN A VILLAGE OFFICE AS PROVIDED ABOVE IN THIS SECTION, CALL A SPECIAL MUNICIPAL ELECTION TO FILL SUCH VACANCY.

IF THERE ARE VACANCIES IN THE OFFICES OF A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES, THERE SHALL BE A SPECIAL MUNICIPAL ELECTION CONDUCTED BY THE SECRETARY OF STATE TO FILL SUCH VACANCIES. (REF. 17-212, 32-4, 152, 32-1406 RS NEB)

**ARTICLE 2. APPOINTED OFFICIALS**

1-201 **APPOINTED OFFICIALS; GENERAL AUTHORITY.** THE VILLAGE BOARD MAY APPOINT A MUNICIPAL CLERK, A MUNICIPAL TREASURER, A MUNICIPAL UTILITIES SUPERINTENDENT, AND A MUNICIPAL MARSHAL. IT SHALL ALSO APPOINT A BOARD OF HEALTH CONSISTING OF THRE MEMBERS: THE CHAIRMAN OF THE VILLAGE BOARD SHALL BE THE CHAIRMAN OF THE BOARD OF HEALTH, A POLICE OFFICER 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 VILLAGE BOARD 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 YEAR, UNLESS SOONER REMOVED BY THE CHAIRMAN OF THE BOARD BY AND WITH, THE ADVICE AND CONSESET OF THE VILLAGE BOARD. (REF 17-208 RS NEB)

1-202 **APPOINTED OFFICIALS; COMBINING DUTIES AND OFFICES AND EMPLOYMENTS OF MUNICIPAL OFFICIALS; MERGER OF OFFICES.** THE GOVERNING BODY MAY BY ORDINANCE COMBINE AND MERGE ANY ELECTIVE OR APPOINTIVE OFFICE OR EMPLOYMENT OR ANY COMBINATION OF DUTIES OF ANY SUCH OFFFICES OR EMPLOYMENTS, EXCEPT TRUSTEE, WITH ANY OTHER ELECTIVE OR APPOINTIVE OFFICE OR EMPLOYMENT OR ANY COMBINATION OF DUTIES OF ANY SUCH OFFICES OR EMPLOYMENTS MAY BE HELD BY THE SAME OFFICER OR EMPLOYEE AT THE SAME TIME, EXCEPT THAT TRUSTEES MAY PERFORM AND UPON BOARD APPROVAL RECEIVE COMPENSATION FOR SEASONAL OR EMERGENCY WORK SUBJECT TO 49-14,103.01 TO 49-14, 103.06 RS NEB THE OFFICES OR EMPLOYMENTS SO MERGED AND COMBINED SHALL ALWAYS BE CONSTRUED TO BE SEPARATE AND THE EFFECT OF THE COMBINATION OR MERGER SHALL BE LIMITED TO A CONSOLIDATION OF OFFICIAL DUTIES ONLY. THE SALARY OR COMPENSATION OF THE OFFICER OR EMPLOYEE HOLDING THE MERGED AND COMBINED OFFICES OR EMPLOYMENTS OR OFFICES AND EMPLOYMENTS SHALL NOT BE IN EXCESS OF THE MAXIMUM AMOUNT PROVIDED BY LAW FOR THE SALARY OR COMPENSATION OF THE OFFICE, OFFICES, EMPLOYMENT OR EMPLOYMENTS SO MERGED AND COMBINED. FOR PURPOSES OF THIS SECTION, VOLUNTEER FIREFIGHTERS AND AMBULANCE DRIVERS SHALL NOT BE CONSIDERED OFFICERS. (REF 17-209.02, 49-14, 103.01 THRU 49-14. 103.06 RS NEB)

1 – 203 **APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED.** THE APPOINTIVE OFFICES OF MUNICIPAL CLERK AND MUNICIPAL TREASURER ARE HERBY COMBINE AND MERGED, IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE VILLAGE BOARD BY SECTION 1-202.

THE OFFICES SO MERGED AND COMBINED SHALL ALWAYS BE CONSTUED 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 ESCESS OF THE MAXIMUM AMOUNT PROVIDED BY LAW FOR THE SALARY OF THE OFFICES SO COMBINED.

1-204 **APPOINTED OFFICIALS; MUNICIPAL CLERK.** THE MUNICIPAL CLERK SHALL ATTEND THE MEETINGS OF THE GOVERNING BODY, AND KEEP A CORRECT JOURNAL OF THE PROCEEDINGS OF THAT BODY. HE SHALL KEEP A RECORD OF ALL OUTSTANDING BONDS AGAINST THE MUNICIPALITY AND SHEN ANY BONDS ARE SOLD, PURCHASED, PAID, OR CANCELLED, SAID RECORD SHALL SHOW THE FACT. HE SHALL MAKE, AT THE END OF THE FISCAL YEAR, A REPORT OF THE BUSINESS OF THE MUNICIPALITY TRANSACTED THROUGH HIS OFFICE FOR THE YEAR. THAT RECORD SHALL DESCRIBED PARTICULARLY THE BONDS ISSUED, AND SOLD DURING THE YEAR, AND THE TERMS OF THE SALE WITH EACH, AND EVERY ITEM, AND EXPENSE THEREOF. HE SHALL FILE ALL OFFICIAL BONDS AFTER THE SAME SHALL HAVE BEEN PROPERLY EXECUTED, AND APPROVED. HE SHALL MAKE THE PROPER CERTIFICATE OF PASSAGE WHICH SHALL BE ATTACHED TO ORIGINAL COPIES OF ALL BOND ORDINANCES HEREAFTER ENACTED BY THE GOVERNING BODY.

THE MUNICIPAL CLERK SHALL ISSUE, AND SIGN ALL LICENSES, PERMITS, AND OCCUPATION TAX RECEIPTS AUTHORIZED BY LAW, AND REQUIRED BY THE MUNICIPAL ORDINANCES. HE SHALL COLLECT ALL OCCUPATION TAXES, AND LICENSE MONEY EXCEPT WHERE SOME OTHER MUNICIPAL OFFICER IS SPECIFICALLY CHARGED WITH THAT DUTY. HE SHALL KEEP A REGISTER OF ALL LICENSES GRANTED IN THE MUNICIPALITY AND THE PURPOSE FOR WHICH THEY HAVE BEEN ISSUED.

THE MUNICIPAL CLERK SHALL PERMIT NO RECORDS, PUBLIC PAPERS, OR OTHER DOCUMENTS OF THE MUNICIPALITY KEPT, AND PERSERVED IN HIS OFFICE TO BE TAKE THEREFROM, EXCEPT BY SUCH OFFICERS OF THE MUNICIPALITY AS MAY BE ENTITLED TO THE USE OF THE SAME, BUT ONLY UPON THEIR LEAVING A RECEIPT THEREFORE. HE SHALL KEEP ALL THE RECORD OF HIS OFFICE, INCLUDING A REOCD OF ALL LICENSES ISSUED BY HIM IN A BLANK BOOK WITH A PROPER INDEX. HE SHALL INCLUDE AS PART OF HIS RECORDS ALL PETITIONS UNDER WHICH THER GOVERNING BODY SHALL ORDER PUBLIC WORK TO BE DONE AT THE EXPENSE OF THE PROPERTY FRONTING THEREON, TOGETHER WITH REFERENCES TO ALL RESOLUTIONS, AND ORDINACES RELATING TO THE SAME. HE SHALL ENDORSE THE DATE, AND HOUR OF FELING UPON EVERY PAPER, OR DOCUMENT SO FILED IN HIS OFFICE. ALL UCH FILING MADE BY HIM SHALL BE PROPERLY DOCKETED. INCLUDED IN HIS RECORDS SHALL BE ALL STANDARD CODES, AMENDMENTS THERETO, AND OTHER DOCUMENTS INCORPORATED BY REFERENCE, AND ARRANDED IN TRIPLICATE IN A MANNER CONVENIENT FOR REFERENCE. HE SHALL KEPP, AND PRESERVE THE PROCEEDINGS OF THE GOVERNING BODY IN TWO SEPARATE, AND DISTINCT RECORD BOOKS. THE MINUTE RCORDS SHALL CONTAIN A RECOD OF ALL MISCELLANEIOUS, AND INFORMAL DOINGS OF THE GOVERNING BODY. THE MINUTE RECORD SHALL NOT INCLUDE THE PASSAGE, AND APPROVAL OF ORDINACES EXCEPT SUCH RESOLUTIONS INCORPORATION BY REFERENCE THE ORDINANCE RECORD INTO THE MINUTE RECORD. THE ORDINACE RECORD SHALL CONTAIN THE FORMAL PROCEEDING 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 ORDINACE HAVE VEEN COMPLETED, THE MUNICIAPL CLERK SHALL RECORD, AND SPREAD AT LARGE IN THE ORDINACE RECORD HIS ORDINANCE RECORD HIS ORDINANCE MINUTES ON PRINTED FORMS. IN ALL CASES HEREAFTER WHERE SINGLE ORDINANCES ARE INTROUDCED FOR THE CONSIDERATION OF THE GOVERNING BODY, THE MUNICIPAL CLERK SHALL CAUSE TO BE INTRODUCED AN APPROPRIATE RESOLUTION INCORPORATING BY REFERENCE THE ORDINANCE RECORD INTO THE MINUTE RECORD. HE SHALL KEEP AN ACCURATE, AND COMPLETE ACCOUNT OF THE APPROPRIATION OF THE SEVERAL FUNDS, DRAW, SIGN AND ATTEEST ALL WARRANTS ORDERED FRO THE PAYMENT OF MONEY ON THE PARTICULAR FUND FROM WHICH THE SAME IS PAYABLE. AT THE END OF EACH MONTH, HE SHALL THEN MAKE A REPORT TOF THE AMOUNTS APPROPRIATED THEREON. NOTHING HERIN SHALL BE CONSTRUED TO PREVENT ANY CITIZEN, OFFICIAL, OR OTHER PERSON FROM EXAMING ANY PUBLIC RECORDS AT ALL REASONABLE TIMES

THE MUNICIPAL CLERK SHALL DELIVER ALL WARRANTS, ORDINANCES, AND RESOLUTIONS UNDER HIS CHARGE TO THE CHAIRMAN FOR HIS SIGNATURE. HE SAHLL ALSO DELIVER TO OFFICERS, EMPLOYEES, AND COMMITTEES ALL RESOLUTIONS, AND COMMUNICATIONS WHICH ARE DIRECTED AT SAID OFFICERS, EMPLOYEES, OR COMMITTEES. WITH THE SEAL OF THE MUNICIPALITY, HE SHALL DULY ATTEST THE CHAIRMAN’S SIGNATURE TO ALL ORDINACES, DEEDS, AND PAPERS REQUIRED TO BE IN THIRTY DAYS AFTER ANY MEETING OF THE GOVERNING BODY, UNLESS OTHERWISE DIRECTED, THE MUNICIPAL CLERK SHALL PERPARE, AND PUBLISH THE SUBSTANCE OF THE PROCEEDINGS IN A LEGAL NEWSPAPER OF GENERAL CIRULATION IN THE MUNICIPALITY, AND WHICH WAS DULY DESISNATED AS SUCH BY THE GOVERNING BODY; PROVIDE, THE CHARGE FOR SUCH PUBLICATION SHALL NOT EXCEED THE RATES PROVIDED BY THE STATUES OF THE STATE OF NEBRASKA. SAID PUBLICATION SHALL BE CHARGED AGAINST THE GENERAL FUND. HE SHALL THEN KEEP IN A BOOK WITH A PROPER INDEX, COPIES OF ALL NOTICES 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 IMPORVMENTS. HE SHALL RECEIVE THE CLAIMS OF ANY PERSON AGAINST THE MUNICIPALITY, AND IN THE EVENT THAT THE SAID CLAIM IS DISALLOWED IN PART, OR IN WHOLE, THE MUNICIPAL CLERK SHALL NOTIFY SUCH CLAIMANT, HIS AFENT, OR ATTORNEY BY LETTER WITHIN FIVE DAYS AFTER TRANSCRIPTS ON APPEALS OF ANY DISALLOWANCE OF A CLAIM IN ALL PROPER CASES.

THE MUNICIPAL CLERK MAY CHARGE A REASONABLE FREE FOR CERTIFIED COPIES OF ANY RECORD IN HIS OFFICE AS SET BY RESOLUTION OF THE GOVERNING BODY. HE SHALL DESTROY, MUNICIPAL RECORDS UNDER THE DIRECTION FO THE STATE RECORDS BOARD PURSUANT TO SECTIONS 84-1201 THRU 84-1220; PROVIDED, THE GOVERNING BODY SHALL NOT HAVE THE AUTHORITY TO DESTROY THE MINUTES OF THE BOOKS, OR ANY OTHER RECORDS CLASSIFIED AS PERMANENT BY THE STATE RECORD BOARD. (REF 17-605, 19-1102, 19-1104, 84-1201 THRU 84-1220, 84-712 RS NEB.

1 – 205 **APPOINTED OFFICIALS; MUNICIPAL TREASURER.** THE MUNICIPAL TREASURER SHALL BE THE CUSTODIAN OF ALL MONEYS BELONG TO THE MUNICIPALITY. HE SHALL KEEP ALL MONEY BELONGING TO THE MUNICIPALITY SEPARATE, AND DISTINCT FROM HIS OWN MONEY. HE SHALL ISSUE DUPLICATE (2) RECEIPTS FOR ALL MONEY RECEIVED BY HIM FOR THE MUNICIPALITY. HE SHALL GIVE TO EVERY PERSON PAYING MONEY INTO THE MUNICIPAL TREASURE, A RECEIPT THEREFOR, SPECIFYING THE DATE OF PAYMENT, AND THE ACCOUNT PAID. ONE OF THE RECEIPTS SHALL BE FILED WITH HIS MONTHLY REPORT, AND THE 1ST COPY OF THE SAID RECEIPT SHALL BE KEPT ON FILE IN HIS OFFICE. HIS 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 SHALL CANCEL ALL BONDS, COUPONS, WARRANTS, AND OTHER EVIDENCES OF DEBT AGAINST THE MUNICIPALITY WHENEVER PAID BY HIM, BY WRITING, OR STAMPING ON THE FACE THEREOF, “PAID BY THE MUNICIPAL TREASURER,” WITH THE DATE OF PAYMENT WRITTEN OR STAMPED THEREON. HE SHALL COLLECT ALL SPECIAL TAXES, ALLOCATE SPECIAL ASSESSMENTS TO THE SEVERAL OWNERS, AND SHALL OBTAIN FROM THE COUNTY TREASURER A MONTLY REPORT AS TO THE COLLECTION OF DELIQUENT TAXES. THE TREASURER’S DAILY CASH BOOK SHALL BE FOOTED AND BALANCES DAILY, AND HE SHALL ADOPT SUCH BOOKKEEPING METHODS AS THE GOVERNING BODY SHALL PRESCRIBE. HE SHALL INVEST AND COLLECT ALL MONEY OWNED BY OR OWED TO; THE MUNICIPALITY AS DIRECTED BY THE GOVERNING BODY. (REF 17-606 THRU 17-609 84-712 RS NEB

1-206 **APPOINTED OFFICIALS; TREASURER’S MONTHLY REPORT.** THE MUNICIPAL TREASURER SHALL AT THE END OF EACH, AND EVERY MONTH, AND SUCH OTHER TIMES AS THE GOVERNING BODY MAY DEEM NECESSARY, RENDER AN ACCOUNT TO THE GOVERNING BODY UNDER OATH, SHOWING THE FINANCIAL STATE OF THE MUNICIPALITY AT THAT DATE, THE AMOUNT OF MONEY REMAINING IN EACH FUND AND THE AMOUNT PAID THEREFROM, AND THE BALANCE OF MONEY REMAINING IN THE TREASURY. HE SHALL ACCOMPANY THE SAID ACCOUNT WITH A STATEMENT OF ALL RECEIPTS, AND DISBURSEMENTS, TOGETHER WILL ALL WARRANTS REDEEMED, AND PAID BY HIM. HE SHALL ALSO PRODUCE DEPOSITORY EVIDENCE THAT ALL MUNICIPAL MONEY IS IN A SOLVENT, AND GOING BANK IN THE NAME OF THE MUNICIPALITY. IF THE MUNICIPAL TREASURER SHALL NEGLECT, OR FAIL FOR THE SPACE OF TEN DAYS FROM THE END OF EACH AND EVERY MONTH TO RENDER HIS ACCOUNTS AS AFORESAID, THE GOVERNING BODY SHALL, BY RESOLUTION, DECLARE THE OFFICE VACANT, AND APPOINT SOME PERSON TO FILL THE VACANY. THE MUNICIPAL TREASURER SHALL BE PRESENT AT EACH REGULAR MEETING OF THE GOVERNING BODY AT WHICH TIME HE SHALL READ, AND FILE HIS MONTHLY REPORT. (REF. 17-606 RS NEB)

1-207 **APPOINTED OFFICIALS; TREASURER’S ANNUAL REPORT.** THE MUNICIPAL TREASURER SHALL PUBLISH IN A LEGAL NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE MUNICIPALITY, WITHIN EACH YEAR, A REPORT OF THE ACTIVITIES OF HIS OFFICE WHICH SAID REPORT SHALL SHOW IN DETAIL. SAID REPORT SHALL INCLUDE ALL RECEIPTS, DISBURSEMENTS, WARRANTS OUTSTANDING, AND THE DEBIT, OR CREDIT BALANCE OF THE MUNICIPALITY. (REF 19-1101 RS NEB)

1-208 **APPOINTED OFFICIALS; 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 MEETING, OF THE GOVERNING BODAY, 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 BODAY 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 APPREAR, AND PROSCUTE 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 ENSURE 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.)

1-209 **APPOINTED OFFICIALS; MUNICIPAL PHYSICIAN.** THE MUNICIPAL PHYSICIAN SHALL BE A MEMBER OF THE BOARD OF HEALTH OF THE MUNICIPALITY, AND PERFORM DEVOLVING UPON HIM AS THE MEDICAL ADVISOR OF SAID BOARD. IN ALL INJURIES WHERE A LIABILITY MAY BE ASSERTED AGAINST THE MUNICIPALITY, THE MUNICIPAL PHYSICIAN SHALL IMMEDIATELY INVESTIGATE THE SAID INJURIES, THE EXTENT THEREOF, AND THE CIRCUMSTANCES. HE SHALL THEN REPORT THE RESULTS OF HIS INVESTIGATION WITH THE NAME OF THE PARTY INJURED, AND ALL OTHER PERSON WHO MAY HAVE PERSONAL KNOWLEDGE OF THE MATTER. HE SHALL MAKE ALL PHYSICAL EXAMINATIONS, AND NECESSARY LABORATORY TESTS INCIDENT THERETO, AND ISSUE SUCH HEALTH CERTIFICATES AS ARE REQUIRED BY ORDINANCE. FOR THE PURPOSE OF MAKING EXAMINATIONS OF THE SANITARY CONDTIONS OF THE PROPERTY, AND THE STATE OF HEALTH OF THE INHABITANTS THEREIN, HE SHALL HAVE THE RIGHT AT ALL REASONABLE HOURS TO GO UPON, AND ENTER ALL PREMISES, BUILDINGS OR OTHER STRUCTURES IN THE MUNICIPALITY. HE SHALL PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED OF HIM BY THE LAWS OF THE STATE OF NEBRASKA, AND THE ORDINANCES OF THE MUNICIPALITY. WHEN ORDERED TO DO SO BY THE GOVERNING BODY HE SHALL DISINFECT, OR FUMIGATE THE PREMISES, OR PERSONS IN OR ABOUT THE PREMISES, WHEN THE PREMISES ARE QUARANTINED, AND TO CALL UPON INDIGENT SICK PERSONS, AND PERFORM OTHER PROFESSIONAL SERVICES AT THE DIRECTION OF THE GOVERNING BODY. THE MUNICIPAL PHYSICIAN SHALL RECEIVE AS COMPENSATION FOR HIS SERVICES SUCH SUM AS THE GOVERNING BODY MAY FROM TIME-TO-TIME SET BY RESOLUTION. HE SHALL RECEIVE NO COMPENSATION FOR IS SERVICES AS A MEMBER OF THE MUNICIPAL BOARD OF HEALTH. (REF. 17-208 RS NEB)

1-210 **APPOINTED OFFICIALS; MUNICAL POLICEMEN.** 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 THE 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 PERFOMING 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 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 POLICEMEN 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 HAVE BEEN DULY CONVICTED OF THE WILLFUL VIOLATOIN OF ANY LAW OF THE UNITED STATES OF AMERICA, THE STATE OF NEBRASKA, OR ANY ORDINANCE OF THE MUNICIPALITY, EXPECT 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 MEMVER 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 BOARD CHAIRMAN. 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 17-213, RS NEB)

1-211 **APPOINTED OFFICIALS; MUNICIPAL ENGINEER.** THE MUNICIPAL ENGINEER SHALL MAKE ALL SURVERYS, ESTIMATES, AND CALCULATIONS NECESSARY TO BE MADE FOR THE EXTABLISHMENT OF ANY PUBLIC UTILITIES, AND THE COSTS OF LABOR AND MATERIALS THEREFOR. HE SHALL ACCURATLEY 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 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 IMPROVEMENT, 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 17-568, 17-405, 17-919, 81-839 RS NEB)

1-212 **APPOINTED OFFICIALS; SPECIAL ENGINEER.** THE GOVERNING BODAY MAY EMPLOY A SPECIAL ENGINEER TO MAKE OR ASSIST THE MUNICIPAL ENGINEER IN MAKING ANY PARTICULAR ESTIMATE, SURVEY, OR OTHER WORK. THE SPECIAL ENGINEER SHALL MAKE A RECORD OF THE MINUTES OF HIS SURVEYS AND ALL OTHER WORK DONE FOR THE MUNICIPALITY. HE SHALL, WHEN DIRECTED BY THE GOVERNING BODY, ACCURATELY MAKE ALL PLATS, SECTIONS, PROFILES, AND MAPS AS MAY BE NECESSARY IN THE JUDGEMENT OF THE GOVERNING BODY. HE 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, BUILDING OF CULVERTS, SEWERS, ELECTRIC LIGHT SYSTEM, WATERWORKS, POWER PLANT, PUBLIC HEATING SYSTEM, BRIDGES, CURBING AND GUTTERS, AND THE IMPROVEMENT OF STREETS AND ERECTION AND REPAIR OF BUILDINGS, AND SHALL PERFORM SUCH OTHER DUTIES AS THE GOVERNING BODY MAY REQUIRE. ALL RECORDS OF THE SPECIAL ENGINEER SHALL BE PUBLIC RECORDS WHICH SHALL BELONG TO THE MUNICIPALITY, AND SHALL BE TURNED OVER TO HIS SUCCESSOR. (REF 17-405, 17-568, 17568.01, 17-919 RS NEB)

1-213 **APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.** THE MUNICIPAL FIRE CHIEF SHALL BE ELECTED BY THE MEMBERS OF THE FIRE DEPARTMENT. HE SHALL ENFORCE ALL LAWS AND ORDINANCES COVERING THE PREVENTION OF FIRES; THE STORAGE AND USE OF EXPLOSIVES AND FLAMMABLE SUBSTANCES; THE INSTALLATION OF FIRE ALARM SYSTEMS; THE MAINTENANCE OF FIRE EXTINGUISHING EQUIPMENT; THE REGULATION OF FIRE ESCAPES; AND THE INSPECTION OF ALL PREMISES REQUIRING ADEQUATE FIRE ESCAPES. HE SHALL WITHIN TWO DAYS INVESTIGATE THE CAUSE, ORIGIN, AND CIRCUMSTANCES OF FIRES ARISING WITHIN HIS JURISDICTION. HE SHALL, ON OR BEFORE THE FIRST DAY IN APRIL AND OCTOBER OF EACH YEAR, CAUSE THE SECRETARY TO FILE WITH THE MUNICIPAL CLERK, AND THE CLERK OF THE DISTRICT COURT A CERTIFIED COPY OF THE ROLLS OF ALL MEMBERS IN GOOD STANDING IN THEIR RESPECTIVE COMPANIES IN ORDER TO OBTAIN THE EXEMPTIONS PROVIDED BY LAW. THE GOVERNING BODY SHALL PURCHASE WORKMEN’S COMPENSATION INSURANCE, AND A GROUP TERM LIFE INSURANCE POLICY FOR EACH ACTIVE VOLUNTEER FIREMAN. SAID LIFE INSURANCE POLICY SHALL PROVIDE A MINIMUM OF $10,000.00 FOR DEATH FROM ANY CAUSE TO AGE 65 AND SHALL AT THE OPTION OF THE INDIVIDUAL FIREMAN, BE CONVERTIBLE TO A PERMANENT FORM OF LIFE INSURANCE AT AGE 65. HE SHALL HAVE THE POWER DURING THE TIME OF A FIRE, AND FOR A PERIOD OF 36 HOURS THEREAFTER TO ARREST ANY SUSPECTED ARSONIST, OR ANY PERSON FOR HINDERING THE DEPARTMENT’S EFFORTS, CONDUCTING HIMSELF IN A NOISY AND DISORDERLY MANNER OR WHO SHALL REFUSE TO OBEY AN LAWFUL ORDER BY THE FIRE CHIEF OR ASSISTANT FIRE CHIEF. THE FIRE CHIEF, OR HIS ASSISTANT IN CHARGE OF OPERATIONS AT A FIRE MAY COMMAND THE SERVICES OF ANY PERSON PRESENT AT ANY FIRE IN EXTINGUISHING THE SAME OR IN THE REMOVAL, AND PROTECTION OF PROPERTY. FAILURE TO OBEY SUCH AN ORDER SHALL BE A MISDEMEANOR PUNISHABLE BY A FINE. THE FIRE CHIEF SHALL HAVE THE RIGHT TO ENTER AT ALL REASONABLE HOURS INTO BUILDING, AND UPON ALL PREMISES WITHIN HIS JURISDICTION FOR THE PURPOSE OF EXAMINING THE SAME FOR THE FIRE HAZARDS, AND RELATED DANGERS. (REF 17-505, 35-102, 35-108, 81-506, 81-512 RS NEB)

1-214 **APPOINTED OFFICIALS; MUNICIPAL LANDFILL CARETAKER.** THE LANDFILL CARETAKER, UNDER THE JURISDICTION AND SUPERVISION OF A DESIGNATED VILLAGE BOARD MEMBER, SHALL HAVE THE IMMEDIATE CONTROL AND SUPERVISION OF THE MUNICIPAL LANDFILL, AND ALL OF THE DUMPING OF GARBAGE, REFUSE, WASTE, AND RUBBISH THEREON, SUBJECT TO THE FENERAL CONTROL AND DIRECTIVES OF THE GOVERNING BODY. HE SHALL AT LEAST EVERY 6 MONTHS, MAKE A DETAILED REORT TO THE GOVERNING BODY ON THE CONDITION OF THE LANDFILL, AND SHALL DIRENT THEIR ATTENTION TO SUCH IMPROVEMENTS, ADDITIONS, AND ADDITIONAL EMPLOYEES AS HE MAY BELIEVE ARE NEEDED ALONG WITH AN ESTIMATE OF THE COST THEREOF. HE SHALL ISSUE DUMPING PERMISTS IF THE GOVERVING BODY SHOULD REQUIRE THEM AND SHALL INSPECT AND SUPERVISE ALL WORK DONE TO IMPORVE OR EXTEND THE MUNICIPAL LANDFILL. HE SHALL HAVE SUCH OTHER DUTIES AS THE GOVERNING BODY MAY DELEGATE TO HIM. HE MAY BE REMOVED AT ANY TIME BY A 2/3 VOTE OF THE GOVERNING BODY. (REF 19-1405 RS NEB)

1-215 **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 DTERMINES THAT IT IS IN THE BEST INTEREST OF THE MUNICIPALITY TO APPOINT ONE OFFICIAL TO HAVE THE EMMEDIATE CONTROL OVER ALL THE SAID MUNICIPAL UTILITIES. THE UTILITIES SUPERINTENDENT SHALL PERSONATED VILLAGE BAORD MEMBER. THE UTILITIES SUPERINTENDENT MAY BE REMOVED FOR THE GOOD CAUSE BY A 2/3 VOTE OF THE GOVERNING BODAY AND ANY VACANCY OCCURING IN THE SAID OFFICE BY DEATH, RESIGNATION OR REMOVAL MAY NE FILLED IN THE MANNER HEREINBEFORE PROVIDED FOR THE APPOINTMENT OF ALL MUNICIPAL OFFICIALS. (REF. 17-541 RS NEB)

1-216 **APPOINTED OFFICIALS; MUNICIPAL STREET SUPERINTENDENT.** THE MUNICIPAL STREET SUPERINTENDENT SHALL, UNDER THE JURISDICTION AND SUPERVISION OF A DESIGNATED VILLAGE BOARD MEMBER, AND SUBJECT TO THE GENERAL ORDERS AND DIRECTIVES OF THE GOVERNING BODY, HAVE GENERAL CHARGE, DIRECTION, AND CONTROL OF ALL WORK ON THE STREETS, SIDEWALKS, CULVERTS, AND BRIDGES OF THE MUNICIPALITY AND SHALL PERFORM OTHER DUTIES AS THE GOVERNING BODY MAY REQUIRE. IT SHALL BE HIS RESPONSIBILITY TO SEE THAT GUTTERS AND DRAINS THEREIN FUNCTION PROPERLY, AND THAT THE SAME ARE KEPT IN GOOD REPAIR. HE 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 MUNIIPALITY, AND SHALL DIRECT THEIR ATTENTION TO SUCH IMPROVMENTS, REPAIRS, EXTENSIONS, ADDITIONS, AND ADDITIONAL EMPLOYEES AS HE MAY BELIEVE ARE NEEDED TO MAINTAIN A SATISFACROTY STREET SYSTEM IN THE MUNICIPALITY ALONG WITH AN EXTIMATE OF THE COST THEREOF. HE SHALL ISSUE SUCH PERMITS, AND ASSUME SUCH OTHER DUTIES AS THE GOVERNING BODY MAY DIRECT. THE MUNICIPAL STREET SUPERINTENDENT MAY BE ROMOVED AT ANY TIME BY A 2/3 VOTE OF THE GOVERNING BODY. (REF 17-119 RS NEB.)

1-217 **APPOINTED OFFICIALS; ZONING INSPECTOR.** THE CHAIRMAN OF THE BOARD MAY APPOINT A ZONING INSPECTOR, WHO SHALL FUNCTION UNDER THE JURISDICTION AND SUPERVISION OF A DESIGNATED VILLAGE BOARD MEMBER. IN THE ABSENCE OF A SPECIFIC APPOINTMENT BY THE CHAIRMAN, THE UTILITIES SUPERINTENDENT MAY BE DESIGNATED AS SAID ZONING INSPECTOR.

**ARTICLE 3. BOND AND OATH**

1-301 **BONDS; FORM.** OFFICIAL BONDS OF THE MUNICIPALITY SHALL BE IN FORM, JOINT AND SEVERAL, AND SHALL BE MADY PAYABLE TO THE MUNICIPALITY IN SUCH PENATLY AS THE GOVERNING BODY MAY SET BY RESOLUTION; PROVIDED, THE PENALTY AMOUNT ON ANY BOND SHALL NOT FALL BELOW THE LEGAL MINIMUM, WHEN ONE HAS SET BY THE STATE OF NEBRASKA, FOR EACH PARTICULAR OFFICIAL. ALL OFFICIAL BONDS OF THE MUNICIPAL OFFICIALS SHALL BE EXECUTED BY THE PRINCIPAL NAMED IN SUCH BONDS AND BY AT LEAST TWO SUFFICIENT SURETIES WHO SHALL BE FREEHOLDERS OF THE COUNTY, OR BY THE OFFICIAL AS PRINCIPAL AND BY A GUARANTY, SURETY, FIDELITY, OR BONDING COMPANY; PROVIDED NO MUNICIPAL OFFICIAL, WHILE STILL IN HIS OFFICIAL TERM OF OFFICE, SHALL BE ACCEPTED AS SURETY ON ANY OTHER OFFICIAL’S BOND, CONTRACTOR’S BOND, LICENSE BOND, OR APPEAL BOND UNDER ANY CIRCUMSTANCES. ONLY COMPANIES THAT ARE LEGALLY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF NEBRASKA SHALL BE ELIGIBLE FOR SURETYSHIP ON THE BOND OF AN OFFICIAL OF THE MUNICIPALITY. ALL SAID BOND SHALL OBLIGATE THE PRINCIPAL, AND SURETIES FOR THE FAITHFUL DISCHARGE OF ALL DUTIES REQUIRED BY LAW OF SUCH PRINCIPAL, AND SHALL INSURE TO THE BENEFIT OF THE MUNICIPALITY AND ANY PERSONS WHO MAY BE INJURED BY A BREACH OF THE CONDITIONS OF SUCH BONDS. NO BOND SHALL BE DEEMED TO BE GIVEN OR COMPLETE UNTIL THE APPROVAL OF THE GOVERNING BODY, AND ALL SURETIES ARE ENDORSES IN WRITING ON THE SAID INSTRUMENT BY THE CHAIRMAN AND MUNICIPAL CLERK PURSUANT TO THE SAID APPROVAL OF THE GOVERNING BODY. THE PREMIUM ON ANY OFFICIAL BOND REQUIRED TO BE GIVEN MAY BE PAID OUT OF THE GENERAL FUND, OR OTHER PROPER MUNICIPAL FUND, UPON A RESOLUTION TO THAT EFFECT BY THE GOVERNING BODY AT THE BEGINNING OF ANY MUNICIPAL YEAR. ALL OFFICIAL BONDS, MEETING THE CONDITIONS HEREIN, SHALL BE FILED WITH THE MUNICIPAL CLERK FOR HIS OFFICIAL RECORDS, AND IT SHALL BE THE DUTY OF THE MUNICIPAL CLERK TO FURNISH A CERTIFIED COPY OF ANY BOND SO FILED UPON THE PAYMENT OF A FEE WHICH SHALL BE SET BY RESOLUTION OF THE GOVERNING BODY, IN THE EVENT THAT THE SURETIES ON THE OFFICIAL BOND OF ANY OFFICER OF THE MUNICIPALITY, IN THE OPINION OF THE GOVERNING BODY, BECOME INSUFFICIENT, THE GOVERNING BODY MAY, BY RESOLUTION, FIX A REASONABLE TIME WITHIN WHICH THE SAID OFFICER MAY GIVE A NEW BOND OR ADDITIONAL SURETIES AS DIRECTED. IN THE EVENT THAT THE OFFICER SHOULD FAIL, REFUSE, OR NEGLECT TO GIVE A NEW BOND, OR ADDITIONAL SURETIES TO THE SATISFACTION, AND APPROVAL OF THE GOVERNING BODY THEN THE OFFICE SHALL, BY SUCH FAILURE, REFUSAL, OR NEGLECT, BECOME VACANT, AND IT SHALL BE THE DUTY OF THE GOVERNING BODY TO APPOINT A COMPETENT, AND QUALIFIED PERSON TO FILL THE SAID OFFICE. ANY OFFICIAL WHO IS RE-ELECTED TO OFFICE SHALL BE REQUIRED TO FILE A NEW BOND AFTER EACH ELECTION (REF. 11-103 THRU 11-118, 17-604 RS NEB)

1-302 **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 SOLUMNLY 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 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 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 AMIN THIS POSITION I WILL NOT ADBOATE, NO BECOME A MEMBER OF ANY POLITICAL PARTY OR ORGANIZATON 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, “PENDER, VILLAGE SEAL, THURSTON COUNTY, NEBRASKA.” THE MUNICIPAL CLERK SHALL AFFIX AN IMPRESSION OF THE SAID OFFICIAL SEAL TO ALL WARRANTS, LICENSES, PERMITS, ORDINANCES, AND ALL OTHER OFFICIAL PAPERS ISSUED BY ORDER OF THE GOVERNING BODY AND COUNTERSIGNED BY THE MUNICIPAL CLERK. (REF 17-502 RS NEB.)

**ARTICLE 5. MEETINGS**

**MEETINGS; GOVERNING BODY**. THE MEETINGS OF THE VILLAGE BOARD SHALL BE HELD IN THE MEETING PLACE OF THE MUNICIPALITY. REGULAR MEETING SHALL BE HELD ON THE 2ND MONDAY OF EACH MONTH AT THE HOUR OF 7:30 P.M. SPECIAL MEETINGS MAY BE CALLED BY THE BOARD CHAIRMAN, OR BY A MAJORITY OF THE VILLAGE BOARD, THE OBJECT OF WHICH SHALL BE SUBMITTED TO THE VILLAGE BOARD MEMBERS IN WRITING. THE CALL AND OBJECT AS WELL AS THE DISPOSITION THEREOF, SHALL BE ENTERED UPON THE JOURNAL BY THE MUNICIPAL CLERK; ON FILING THE CALL FOR A SPECIAL MEETING THE MUNICIPAL CLERK SHALL NOTIFY THE VILLAGE BOARD OF THE SPECIAL MEETING STATING THE TIME AND ITS PURPOSE. NOTICE OF A SPECIAL MEETING NEED NOT BE GIVEN TO A MEMBER OF THE VILLAGE BOARD WHO IS KNOWN TO BE OUT OF THE STATE, OR PHYSICALLY UNABLE TO BE PRESENT. A MAJORITY OF THE MEMBERS OF THE VILLAGE BOARD SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY AND COMPEL THE ATTENDANCE OF THE ABSENT MEMBERS; PROVIDED THAT ON THE REQUEST OF ANY TWO MEMBERS, WHETHER A QUORUM IS PRESENT OR NOT, ALL ABSENT MEMBERS SHALL BE SENT FOR AND COMPELLED TO ATTEND. AT THE HOUR APPOINTED FOR THE MEETING, THE MUNICIPAL CLERK SHALL PROCEED TO CALL THE ROLL OF MEMBERS AND ANNOUNCE WHETHER A QUORUM IS PRESENT. IF A QUORUM IS PRESENT, THE VILLAGE BOARD SHALL BE CALLED TO ORDER BY THE BOARD CHAIRMAN. IN THE ABSENCE OF THE BOARD CHAIRMAN FROM ANY MEETING OF THE BOARD OF TRUSTEES, THE BOARD SHALL HAVE THE POWER TO APPOINT A CHAIRMAN PRO TEMPORE, WHO SHALL EXERCISE AND HAVE THE POWERS AND PERFORM THE SAME DUTIES AS THE REGULAR VILLAGE CHAIRMAN. (REF 17-204, 17-205, 17-210 RS NEB.)

1-501 **MEETINGS; PUBLIC.** ALL PUBLIC MEETING AS DEFINED BY LAW SHALL BE HELD IN A MUNICIPAL PUBLIC BUILDING WHICH SHALL BE OPEN TO ATTENDANCE BY THE PUBLIC. ALL MEETINGS SHALL BE HELD IN THE PUBLIC BUILDING IN WHICH THE GOVERNING BODY USUALLY HOLDS SUCH MEETINGS UNLESS THE PUBLICIZED NOTICE HEREINAFTER REQUIRED SHALL DESIGNATE SOME OTHER PUBLIC BUILDING OR OTHER SPECIFIED PLACE. THE ADVANCE PUBLICIZED NOTICE OF ALL PUBLIC CONVENED MEETINGS SHALL BE SIMULTANEOUSLY TRANSMITTED TO ALL MEMBERS BY THE GOVERNING BODY OR BY THE CHAIRMAN IF THE GOVERNING BODY HAS NOT DESIGNATED A METHOD. SUCH NOTICE SHALL CONTAIN THE TIME AND SPECIFIC PLACE FOR EACH MEETING AND EITHER AN ENUMERATION OF THE AGENDA SUBJECTS KNOWN AT THE TIME OF THE NOTICE, OR A STATEMENT THAT SUCH AN AGENDA KEPT CONTINUALLY CURRENT SHALL BE READILY AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE MUNICIPAL CLERK. EXCEPT FOR ITEMS OF AN EMERGENCY NATURE, THE AGENDA SHALL NOT BE ALTERED LATER THAN (A) 24 HOURS BEFORE THE SCHEDULED COMMENCEMENT OF THE MEETING OR (B) 48 HOURS BEFORE THE SCHEDULED COMMENCEMENT OF A MEETING OF THE GOVERNING BODY SCHEDULED OUTSIDE THE CORPORATE LIMITS OF THE MUNICIPALITY. THE GOVERNING BODY SHALL HAVE THE RIGHT TO MODIFY THE AGENDA TO INCLUDE ITEMS OF AN EMERGENCY NATURE ONLY AT SUCH PUBLIC MEETINGS. THE MINUTES OF THE MUNICIPAL CLERK SHALL INCLUDE THE RECORD OF THE MANNER AND ADVANCE TIME BY WHICH THE ADVANCE PUBLICIZED NOTICE WAS GIVEN, A STATEMENT OF HOW THE AVAILABILITY OF AN AGENDA OF THE THEN KNOWN SUBJECTS WAS COMMUNICATED, THE TIME AND SPECIFIC PLACE OF THE MEETING, AND THE NAMES OF EACH MEMBER OF THE GOVERNING BODY PRESENT OR ABSENT AT EACH CONVENED MEETING. THE MINUTES OF THE GOVERNING BODAY SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY THE PUBLIC UPON REQUEST AT ANY REASONABLE TIME AT THE OFFICE OF THE MUNICIPAL CLERK. ANY OFFICIAL ACTION ON ANY QUESTION OR MOTION DULY MOVED AND SECONDED SHALL BE TAKEN ONLY BY ROLL CALL VOTE OF THE GOVERNING BODY IN OPEN SESSION. THE RECORD OF THE MUNICIAPL CLERK SHALL SHWO HOW EACH MEMBER VOTED OR THAT THE MEMBER WAS ABSENT AND DID NOT VOTE. (REF 84-1408, 84-1409, 84-1411, 84-1413 RS NEB)

1-502 **MEETINGS; REGULAR MEETING.**  THE MEETING OF THE GOVERNING BODY SHALL BE HELD IN THE MEETING PLACE OF THE MUNICIPALITY. REGULAR MEETINGS SHALL BE HELD ON THE SECOND MONDAY OF EACH MONTH AT THE HOUR OF 7:30 P.M.

1-502.1 **MEETINGS; SPECIAL MEETINGS.** SPECIAL MEETINGS MAY BE CALLED BY THE CHAIRMAN, OR BY THREE MEMBERS OF THE BOARD OF TRUSTEES, THE OBJECT OF WHICH SHALL BE SUBMITTED TO THE BOARD IN WRITING. THE CALL AND OBJECT, AS WELL AS THE DISPOSITION THEREOF, SHALL BE ENTERED UPON THE JOURNAL BY THE MUNICIPAL CLERK. ON FILING THE CALL FOR A SPECIAL METING, THE MUNICIPAL CLERK SHALL NOTIFY THE MEMBERS OF THE BOARD OF TRUSTEES OF THE SPECIAL MEETING, STATING THE TIME AND ITS PURPOSE. NOTICE OF A SPECIAL MEETING NEED NOT BE GIVEN TO A MEMBER OF THE BOARD KNOWN TO BE OUT OF THE STATE, OR PHYSICALLY UNABLE TO BE PRESENT. A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY AND COMPEL THE ATTENDANCE OF THE ABSENT MEMBERS. WHETHER A QUORUM IS PRESENT OR NOT, ALL ABSENT MEMBERS SHALL BE SENT FOR AND COMPELLED TO ATTEND.

AT THE HOUR APPOINTED FOR THE MEETING, THE MUNICIPAL CLERK SHALL PROCEED TO CALL THE ROLL OF MEMBERS AND ANNOUNCE WHETHER A QUORUM IS PRESENT. IF A QUORUM IS PRESENT, THE BOARD SHALL BE CALLED TO ORDER BY THE CHAIRMAN, IF PRESENT, OR IF ABSENT, BY THE PRESIDENT OF THE BOARD. IN THE ABSENCE OF BOTH THE CHAIRMAN AND THE PRESIDENT OF THE BOARD, THE MEMBERS OF THE BOARD OF TRUSTEES SHALL ELECT A PRESIDENT PRO TEMPORE. ALL ORDINANCES PASSED AT (THIS PART TORN OUT OF BOOK) SHALL COMPLY WITH PROCEDURES SET FORTH IN 6, HEREIN. (REF. 17-204, 17-205 RS NEB)

1-501 **MEETINGS; DEFINED.** MEETINGS, AS USED IN THIS ARTICLE SHALL MEAN ALL REGULAR, SPECIAL, OR CALLED MEETINGS, FORMAL OR INFORMAL, OF A PUBLIC BODY FOR THE PURPOSES OF BRIEFING, DISCUSSION OF PUBLIC BUSINESS, FORMATION OF TENTATIVE POLICY, OR THE TAKING OF ANY ACTION. (REF 84-1409 (2) RS NEB)

1-502 **MEETINGS; PUBLIC BODY DEFINED.** PUBLIC BODY AS USED IN THIS ARTICLE SHALL MEAN:

1. THE GOVERNING BODY OF MUNICIPALITY
2. ALL INDEPENDENT BOARDS, COMMISSIONS, BUREAUS, COMMITTEES, COUNCILS, SUBUNITS, CERTIFICATE OF NEED APPEAL PANELS, OR ANY OTHER BODIES, NOW OR HEREAFTER CREATED BY CONSTITUTION, STATUTE, OR OTHERWID PURSUANT TO LAW
3. ADVISORY COMMITTEES OF THE BODIES LISTED ABOVE

THIS ARTICLE SHALL NOT APPLY TO SUBCOMMITTEES OF SUCH BODIES UNLESS SUCH SUBCOMMITTEES ARE HOLDING HEARINGS, MAKING POLICY OR TAKING FORMAL ACTION ON BEHALF OF THEIR PARENT BODY. (REF. 84-1409 (1) RS NEB)

1-503 **MEETINGS; PUBLIC.** ALL PUBLIC MEETINGS AS DEFINED BY LAW SHALL BE HELD IN A MUNICIPAL PUBLIC BUILDING WHICH SHALL BE OPEN TO ATTENDANCE BY THE PUBLIC. ALL MEETING SHALL BE HELD IN THE PUBLIC BUILDING IN WHICH THE GOVERNING BODY USUALLY HOLDS SUCH MEETINGS UNLESS THE PUBLICIZED NOTICE HEREINAFTER REQUIRED SHALL DESIGNATE SOME OTHER PUBLIC BUILDING OR OTHER SPECIFIED PLACE. THE ADVANCE PUBLICIZED NOTICE OF ALL PUBLIC CONVENED MEETINGS SHALL BE SIMULTANEOUSLY TRANSMITTED TO ALL MEMBERS OF THE GOVERNING BODY AND TO THE PUBLIC BY A METHOD DESIGNATED BY THE GOVERNING BODY OR BY THE CHAIRMAN IF THE GOVERNING BODY HAS NOT DESIGNATED A METHOD. SUCH NOTICE SHALL CONTAIN THE TIME AND SPECIFIC PLACE FOR EACH MEETING AND EITHER AN ENUMERATION OF THE AGENDA SUBJECTS KNOWN AT THE TIME OF THE NOTICE, OR A STATEMENT THAT SUCH AN AGENDA KEPT CONTINUALLY CURRENT SHALL BE READILY AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE MUNICIPAL CLERK. EXCEPT FOR ITEMS OF AN EMERGENCY NATURE, THE AGENDA SHALL NOT BE ENLARGED LATER THAN 24 HOURS BEFORE THE SCHEDULED COMMENCEMENT OF THE MEETING. THE GOVERNING BODY SHALL HAVE THE RIGHT TO MODIFY THE AGENDA TO INCLUDE ITEMS OF AN EMERGENCY NATURE ONLY, AT SUCH PUBLIC MEETINGS. THE MINUTES OF THE MUNICIPAL CLERK SHALL INCLUDE THE RECORD OF THE MANNER AND ADVANCE TIME BY WHICH THE ADVANCE PUBLICIZED NOTICE WAS GIVEN A STATEMENT OF HOW THE AVAILABILITY OF AN AGENDA OF THE THEN KNOW SUBJECTS WAS COMMUNICATED, THE TIME AND SPECIFIC PLACE OF THE MEETINGS, AND THE NAMES OF EACH MEMBER OF THE GOVERNING BODY PRESENT OR ABSENT AT EACH CONVENED MEETING. THE MINUTES OF THE GOVERNING BODY SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY THE PUBLIC UPON REQUEST AT ANY REASONABLE TIME AT THE OFFICE OF THE MUNICIPAL CLERK. ANY OFFICIAL ACTION ON ANY QUESTION OR MOTION DULY MOVED AND SECONDED SHALL BE TAKEN ONLY BY ROLL CALL VOTE OF THE GOVERNING BODY IN OPEN SESSION. THE RECORD OF THE MUNICIPAL CLERK SHALL SHOW HOW EACH MEMBER VOTED, OR THAT THE MEMBER WAS ABSENT AND DID NOT VOTE. (REF. 84-1408, 84-1409, 84-1411, 84-1413 RS NEB)

1-504 **MEETINGS; PUBLIC PARTICIPATION.** SUBJECT TO THE PROVISIONS OF THIS ARTICLE, THE PUBLIC SHALL HAVE THE RIGHT TO ATTEND AND THE RIGHT TO SPEAK AT MEETING OF PUBLIC BODIES AND ALL OR ANY PART OF A MEETING OF A PUBLIC BODY EXCEPT FOR CLOSED

MEETINGS CALLED PURSUANT TO SECTION 1-505 MAY BE VIDEOTAPED, TELEVISED, PHOTOGRAPHED, BROADCAST, OR RECORDED BY ANY PERSON IN ATTENDANCE BY MEANS OF A TAPE RECORDER, CAMERA, VIDEO EQUIPMENT, OR ANY OTHER MEANS OF PICTORIAL OR SONIC REPRODUCTION OR IN WRITING.

IT SHALL NOT BE A VIOLATION OF THIS SECTION OFOR ANY PUBLIC BODY TO MAKE AND ENFORCE REASONABLE RULES AND REGULATIONS REGARDING THE CONDUCT OF PERSONS ATTENDING, SPEAKING AT, VIDEOTAPING, TELEVISING, PHOTOGRAPHING, BROADCASTING OR RECORDING ITS MEETINGS. A BODY IS NOT REQUIRED TO ALLOW CITIZENS TO SPEAK AT EACH MEETING, NOR MAY IT FORBID PUBLIC PARTICIPATION AT ALL MEETINGS. NO PUBLIC BODY SHALL REQUIRE MEMBERS OF THE PUBLIC TO IDENTIFY THEMSELVES AS A CONDITION FOR ADMISSION TO THE MEETING. THE BODY MAY, HOWEVER, REQURE ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE BODY TO IDENTIFY HIMSELF OR HERSELF. NO PUBLIC BODY SHALL FOR THE PURPOSE OF CIRCUMVENTING THE PROVISIONS OF THIS ARTICLE HOLD A MEETING IN A PLACE KNOWN BY THE BODY TO BE TOO SMALL TO ACCOMMODATE THE ANTICIPATED AUDIENCE. NO PUBLIC BODY SHALL BE DEEMED IN VIOLATION OF THIS SECTION IF IT HOLDS ITS MEETING IN ITS TRADITIONAL MEETING PLACE. THE PUBLIC BODY SHALL, UPON REQUEST, MAKE A REASONABLE EFFORT TO ACCOMMODATE THE PUBLIC’S RIGHT TO HEAR THE DISCUSSION AND TESTIMONY PRESENTED AT THE MEETING. PUBLIC BODIES SHALL MAKE AVAILABLE AT THE MEETING, FOR EXAMINATION AND COPYING BY MEMBERS OF THE PUBLIC, AT LEAST ONE COPY OF ALL REPRODUCIBLE WRITTEN MATERIAL TO BE DISCUSSED AT AN OPEN MEETING. (REF. 84-1412- RS NEB.)

1-505 **MEETINGS; CLOSED SESSIONS.** ANY PUBLIC BODY MAY HOLD A CLOSED SESSION BY THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS VOTING MEMBERS IF A CLOSED SESSION IS CLEARLY NECESSARY FOR THE PROTECTION OF THE PUBLIC INTEREST OR FOR THE PREVENTION OF NEEDLESS INJURY TO THE REPUTATION OF AN INDIVIDUAL AND IF SUCH INDIVIDUAL HAS NOT REQUESTED A PUBLIC MEETING. CLOSED SESSIONS MAY BE HELD FOR, BY SHALL NOT BE LIMITED TO, SUCH REASONS AS:

1. STRATEGY SESSIONS WITH RESPECT TO COLLECTIVE BARGAINING, REAL ESTATE PURCHASES, OR LITIGATION;
2. DISCUSSION REGARDING DEPLOYMENT OF SECURITY PERSONNEL OR DEVICES;
3. INVESTIGATIVE PROCEEDINGS REGARDING ALLEGATIONS OF CRIMINAL MISCONDUCT; OR
4. EVALUATION OF THE JOB PERFORMANCE OF A PERSON WHEN NECESSARY, TO PREVENT NEEDLESS INJURY TO THE REPUTATION OF A PERSON AND IF SUCH PERSON HAS NOT REQUESTED A PUBLIC MEETING.

NOTHING IN THIS SECTION SHALL PERMIT A CLOSED MEETING FOR DISCUSSION OF THE APPOINTMENT OR ELECTION OF A NEW MEMBER TO ANY PUBLIC BODY.

THE VOTE TO HOLD A CLOSED SESSION SHALL BE TAKEN IN OPEN SESSION. THE VOTE OF EACH MEMBER ON THE QUESTION OF HOLDING A CLOSED SESSION, THE REASON FOR THE CLOSED SESSION, AND THE TIME WHEN THE CLOSED SESSION COMMENCED AND CONCLUDED SHALL BE RECORDED IN THE MINUTES. THE PUBLIC BODY HOLDING SUCH A CLOSED SESSION SHALL RESTRICT ITS CONSIDERATION TO MATTERS DURING THE CLOSED PORTIONS TO ONLY THOSE PURPOSES SET FORTH IN THE MINUTES AS THE REASON FOR THE CLOSED SESSION. THE MEETING SHALL BE RECONVENED IN OPEN SESSION BEFORE ANY FORMAL ACTION MAY BE TAKEN.

ANY MEMBER OF ANY PUBLIC BODY SHALL HAVE THE RIGHT TO CHALLENGE THE CONTINUATION OF A CLOSED SESSION IF THE MEMBER DETERMINES THAT THE SESSION HAS EXCEEDED THE REAON STATED IN THE ORIGINAL MOTION TO HOLD A CLOSED SESSION OR IF THE MEMBER CONTENDS THAT THE CLOSED SESSION IS NEITHER CLEARLY NECESSARY FOR (A) THE PROCTECTION OF THE PUBLIC INTEREST OR (B) THE PREVENTION OF NEEDLESS INJURY TO THE REPUTATION OF AN INDIVIDUAL, SUCH CHALLENCE SHALL BE OVERRULED ONLY BY A MAJORITY VOTE OF THE MEMBERS OF THE PUBLIC BODY. SUCH CHALLENGE AND ITS DISPOSITION SHALL BE RECORDED IN THE MINUTES.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THAT ANY MEETING BE CLOSED TO THE PUBLIC. NO PERSON OR PUBLIC BODY SHALL FAIL TO INVITE A PORTION OF ITS MEMBERS TO A MEETING NOR SHALL A PUBLIC BODAY DESIGNATE ITSELF A SUBCOMMITTE OF THE WHOLE BODY FOR THE PURPOSE OF CIRCUMVENTING THE PROVISIONS OF SOCIAL GATHERING, OR ELECTRONIC COMMUNICATION BE USED FOR THE PURPOSE OF CIRCUMVENTING THE PROVISIONS OF THIS ARTICLE. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO CHANCE MEETINGS, OR TO ATTENDANCE AT OR TRAVEL TO CONVENTIONS OR WORKSHOPS OF MEMBERS OF A PUBLIC BODY AT WHICH THERE IS NO MEETING OF THE BODY THEN INTENTIONALLY CONVENED AND THERE IS NO VOTE OR OTHER ACTION TAKEN REGARDING ANY MATTER OVER WHICH THE PUBLIC BODY HAS SUPERVISION, CONTROL, JURISDICTION, OR ADVISORY POWER. (REF. 84-1410 RS NEB)

1-507 **MEETINGS; PUBLIC PARTICIPATION.**  SUBJECT TO THE PROVISIONS OF THIS ARTICLE, THE PUBLIC SHALL HAVE THE RIGHT TO ATTEND AND THE RIGHT TO SPEAK AT MEETINGS OF PUBLIC BODIES AND ALL OR ANY PART OF A MEETING OF A PUBLIC BODY EXCEPT FOR THE CLOSED MEETINGS CALLED PURSUANT TO STATE LAW MAY BE VIDEOTAPED, TELEVISED, PHOTOGRAPHED, BROADCAST, OR RECORDED BY AN PERSON IN ATTENDANCE BY MEANS OF A TAPE RECORDER, CAMERA, VIDEO EQUIPMENT, OR ANY OTHER MEANS OF PICTORIAL OR SONIC REPRODUCTION OR IN WRITING.

IT SHALL NOT BE A VIOLATION OF THIS SECTION FOR ANY PUBLIC BODY TO MAKE AND ENFORCE REASONABLE RULES AND REGULATIONS REGARDING THE CONDUCT OF PERSONS ATTENDING, SPEAKING AT, VIDEOTAPING, TELEVISING, PHOTOGRAPHING, BROADCASTING, OR RECORDING ITS MEETINGS. A BODY MAY NOT BE REQUIRED TO ALLOW CITIZENS TO SPEAK AT EACH MEETING, BUT IT MAY NOT FORBID PUBLIC PARTICIPATION AT ALL MEETING. NO PUBLIC BODY SHALL REQUIRE MEMBERS OF THE PUBLIC TO IDENTIFY THEMSELVES AS A CONDITION FOR ADMISSION TO THE MEETING. THE BODY MAY REQUIRE ANY MEMBER OF THE PUBLIC DESIRING THE ADDRESS THE BODY TO IDENTIFY HIMSELF OR HERSELF, NO PUBLIC BODY SHALL FOR THE PURPOSE OF CIRCUMVENTING THE PROVISIONS OF THIS ARTICLE HOLD A MEETING IN A PLACE KNOWN BY THE BODY TO BE TOO SMALL TO ACCOMMODATE THE ANTICIPATED AUDIENCE. NO PUBLIC BODY SHALL BE DEEMED IN VIOLATION OF THIS SECTION IF IT HOLDS ITS MEETING IN ITS TRADITIONAL MEETING PLACE WHICH IS LOCATED IN THIS STATE. AN AGENCY WHICH CONTRACTS WITH MUNICIPALITIES OUTSIDE THE STATE OF NEBRASKA MAY HOLD MEETING OF ANY COMMITTEE OUTSIDE THE STATE OF NEBRASKA IF SUCH MEETINGS ARE HELD ONLY IN SUCH CONTRACTING MUNICIPALITIES. FINAL ACTION ON ANY AGENDA ITEM SHALL ONLY BE TAKEN BY THE AGENCY AT A MEETING IN THE STATE OF NEBRASKA, WHICH MEETING SHALL COMPLY WITH SECTIONS84-1408 TO 84-1414 RS NEB. THE PUBLIC BODY SHALL UPON REQUEST, MAKE A REASONABLE EFFOR TO ACCOMMODATE THE PUBLIC’S RIGHT TO HEAR THE DISCUSSION AND TESTIMONY PRESENTED AT THE MEETING. PUBLICE BODIES SHALL MAKE AVAILABLE AT THE MEETING, FOR EXAMINATION AND COPYING BY MEMBERS OF THE PUBLIC, AT LEAST ONE COPY OF ALL REPRODUCIBLE WIRTTEN MATERIAL TO BE DISCUSSED AT AN OPEN MEETING (REF 84-1412, 18-2438 RS NEB.)

1-509 **MEETINGS; EMERGENCY MEETINGS.** WHEN IT IS NECESSARY TO HOLD AN EMERGENCY MEETING WITHOUT REASONABLE ADVANCE PUBLIC NOTICE, THE NATURE OF THE EMEGENCY SHALL BE STATED IN THE MINUTES AND ANY FORMAL ACTION TAKEN IN SUCH MEETING BY MEANS OF ELECTRONIC OR TELECOMMUNICATION EQUIPEMTN, THE PORVISIONS OF SECTION --------------------- OF THE ARTICLES SHALL BE COMPILED WITH IN CONDUCTING EMERGENCY MEETINGS. COMPLETE MINUTES OF SUCH EMERGENCY MEETINGS SPECIFICALLY THE NATURE OF THE EMERGENCY AND ANY FORMAL ACTION TAKEN AT THE MEEING SHALL BE MAKE AVAILABLE TO THE PUBLIC BY NOT LATER THAN THE END OF THE NEXT REGULAR BUSINESS DAY (REF 84-1411 RS NEB.)

**ARTICLE 6. ORDINANCES**

1-601 **ORDINANCES; GRANT OF POWER**. THE GOVERNING BODY SHALL HAVE THE RESPONSIBILITY OF MAKING ALL ORDINACES, BYLAWS, RULES, REGULATIONS, AND RESOLUTIONS, NOT INCONSISTENT WITH THE LAWS OF THE STATE OF NEBRASKA, AS MAY BE NECESSARY AND PROPER FOR MAINTAININ THE PEACE, GOOD GOVERNMENT, AND WELFARE OF THE MUNICIPALITY AND ITS TRADE AND COMMERCE, AND SECURITY. (REF. 17-505 RS NEB)

1-602 **ORDINANCES; INTROUDUCTION.** ORDINANCES SHALL BE INTRODUCED BY MEMBERS OF THE GOVERNING BODY IN EITHER OF THE FOLLOWING WAYS:

1. WITH THE RECOGNITION OF THE MAYOR, A COUNCILMAN MAY RISE IN HIS PLACE AND IN THE PRESENCE AND HEARING OF A MAJORITY OF THE MEMBERS ELECTED TO THE COUNCIL READ ALOUD THE SUBSTANCE OF HIS PROPOSED ORDINANCE AND FILE A COPY OF THE SAME WITH THE MUNICIPAL CLERK FOR FUTURE CONSIDERATION;
2. OR WITH THE RECOGNITIN OF THE MAYOR, A COUNCILMAN MAY PRESENT HIS PROPOSED ORDINANCE TO THE CLERK WHO IN THE PRESENCE AND HEARING OF A MAJORITY OF THE MEMBERS ELECTED TO THE COUNCIL, SHALL READ ALOUD THE SUBSTANCE OF THE SAME AND SHALL FILE THE SAME FOR FUTURE CONSIDERATION.

1-603 **ORDINANCE; RESOLUTIONS AND MOTIONS.** RESOLUTIONS AND MOTIONS SHALL BE INTRODUCED IN ONE OF THE METHODS PRESCRIBED FOR THE INTRODUCTION OF ORDINANCES. AFTER THEIR INTRODUCTIONS, THEY SHALL BY FULLY AND DISTINCLY READ ONE TIME IN THE PRESENCE AND HEARING OF A MAJORITY OF THE MEMBERS ELECTED TO THE BOARD. THE ISSUE RAIDES BY SAID RESOLUTIONS OR MOTIONS SHALL BE DISPOSED OF IN ACCORDANCE WITH THE USAGE OF PARLIAMENTARY LAW ADOPTED FOR THE GUIDANCE OF THE BOARD. A MAJORITY VOTE SHALL BE REQUIRED TO PASS ANY RESOLUTION OR MOTION. THE VOTE ON ANY RESOLUTION OR MOTION SHALL BE BY ROLL CALL VOTE.

1-604 **ORDINANCES, STYLE.** THE STYLE OF ALL MUNICIPAL ORDINANCES SHALL BE:

“BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF PENDER, NEBRASKA:” (REF. 17-614 RS NEB.)

1-605 **ORDINANCES; TITLE.** NO ORDINANCE SHALL CONTAIN A SUBJECT NOT CLEARLY EXPRESSED IN ITS TITLE. (REF. 17-614 RS NEB.)

1-606 **ORDINANCES; PASSAGE.** ORDINANCES, RESOLUTIONS, OR ORDERS FOR THE APPROPRIATION OF MONEY SHALL REQUIRE FOR THEIR PASSAGE THE CONCURRENCE OF THE MAJORITY OF THE MEMBERS OF THE GOVERNING BODY. ORDINANCES OF A GENERAL OR PERMANENT NATURE SHALL BE READ BY THE TITLE ON THREE DIFFERENT DAYS. THIS REQUIREMENT MAY BE SUSPENDED BY ¾ VOTE OF THE BOARD, IN SUCH CASE SAID ORDINACE MAY BE READ BY TITLE OR NUMBER, AND THEN MOVED FOR FINAL PASSAGE. THREE-FOURTHS OF THE BOARD MAY REQUIRE AN ORDINANCE TO BE READ IN FULL BEFORE FINAL PASSAGE UNDER EITHER PROCESS. (REF 17-614 RS NEB)

1-607 **ORDINANCES; PUBLICATION.** ALL ORDINACES OF A GENERAL NATURE SHALL BE PUBLISHED ONCE WITHIN 15 DAYS AFTER THEY ARE PASSED IN: (1) SOME NEWSPAPERS PUBLISHED IN THE MUNICIPALITY, OR IF NO PAPER IS PUBLISHED IN THE MUNICIPALITY, THEN BY POSTING A WRITTEN OR PRINTED COPY THEREOF IN EACH OF THREE PUBLIC PLACES IN THE MUNICIPALITY; (2) BY PUBLISHING THE SAME IN BOOK OR PAMPHLET FORM. (REF. 17-613 RS NEB.)

1-608 **ORDINANCES; CERTIFICATE OF PUBLICATION.** THE PASSAGE, APPROVAL, AND PUBLICATION OR POSTING OF ALL ORDINANCES SHALL BE SUFFICIENTLY PROVEN BY A CERTIFICATE UNDER THE SEAL OF THE MUNICIPALITY FROM THE MUNICIPAL CLERK SHOWING THAT THE SAID ORDINACE WAS PASSED AND APPROVED, AND WHEN, AND IN WHAT PAPER THE SAME WAS PUBLISHED, OR WHEN AND BY WHOM, AND SHERE THE SAME WAS POSTED WHEN ORDINANCES ARE PRINTED IN BOOK OR PAMPHLET FORM, PURPORTING TO BE PUBLISHED BY AUTHORITY OF THE BOARD OF TRUSTEES, THE SAME NEED NOT BE OTHERWIDE PUBLISHED, AND SUCH BOOK OR PAMPHLET SHALL BE RECEIVED AS EVIDENCE OF THE PASSAGE AND LEGAL PUBLICATION OF SUCH ORDINANCES AS OF THE DATES MENTIONED IN SUCH BOOK OR PAMPHLET, IN ALL COURTS WITHOUT FURTHER PROOF. (RED. 17-613 RS NEB.)

1-609 **ORDINANCES; EMERGENCY ORDINANCES.** IN THE CASE OF RIOT, INFECTIOUS OR CONTAGIOUS DISEASES, OR OTHER IMPENDING DANGER, FAILURE OF A PUBLIC UTILITY, OR OTHER EMERGENCY REQUIRING ITS IMMEDIATE OPERATION, SUCH ORDINANCE SHALL TAKE EFFECT UPON THE PROCLIMATION OF THE CHAIRMAN, AND THE POSTING THEREOF IN AT LEAST THREE OF THE MOST PUBLIC PLACES IN THE MUNICIPALITY. SUCH EMERGENCY NOTICE SHALL RECITE THE EMERGENCY AND BE PASSED BY A ¾ VOTE OF THE GOVERNING BODY, AND ENTERED UPON THE MUNICIPAL CLERK’S MINUTES. (REF. 17-613 RS NEB.)

1-610 **ORDINANCES; AMENDMENTS AND REVISIONS.** NO ORDINANCE OR SECTION THEREOF SHALL BE REVISED OR AMENDED UNLESS THE NEW ORDINANCE CONTAINS THE ENTIRE ORDINANCE OR SECTION AS REVISED OR AMENDED, AND THE ORDINANCE OR SECTION SO AMENDED SHALL BE REPEALED. (REF. 17-614 RS NEB.)

**ARTICLE 7. ELECTIONS**

1-701 **ELECTIONS; GENERAL MUNICIPAL.** THE GENERAL MUNICIPAL ELECTION SHALL BE HELD IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER (32) RS NEB. THE GOVERNING BODY HAS DULY ADOPTED BY ORDINANCE THE FIRST TUESDAY AFTER THE SECOND MONDAY IN MAY OF EACH EVEN NUMBERED YEAR TO HOLD THE MUNICIPAL ELECTION IN CONJUNCTION WITH THE STATE PRIMARY ELECTION. PRIOR TO FEBRUARY 1 OF THE YEAR, IN WHICH THE FIRST SUCH JOINT ELECTION TAKES PLACE, THE GOVERNING BODY SHALL RECEIVE THE CONSENT IN WRITING OF THE COUNTY BOARD TO SO HOLD THE ELECTION AND SUCH AUTHORIZATION SHALL BE PRESCRIBED ACCORDING TO STATE LAW. THE COUNTY CLERK SHALL HAVE CHARGE OF THE ELECTION AND SHALL HAVE THE AUTHORITY TO DEPUTIZE THE MUNICIPAL CLERK FOR MUNICIPAL ELECTION PURPOSES. (REF. 19-621, 32-505, 32-4,147 RS NEB)

1-702 **ELECTIONS; FILING FEE.** PRIOR TO THE FILING OF ANY NOMINATION PAPERS, THERE SHALL BE PAID TO THE MUNICIPAL TREASURER A FILING FEE WHICH SHALL AMOUNT TO 1% OF THE ANNUAL SALARY FOR OFFICE FOR WHICH THE CANDIDATE WILL FILE. NO NOMINATING PAPERS SHALL BE FILED UNTIL THE PROPER MUNICIPAL TREASURER’S RECEIPT, SHOWING THE PAYMENT OF THE FILING FEE, SHALL BE PRESENTED TO THE ELECTION OFFICER WITH WHOM THE NOMINATION PAPERS ARE FILED (REF. 32-513 RS NEB.)

1-703 **ELECTIONS; GENERAL ELECTION NOTICE.** THE COUNTY CLERK SHALL PUBLISH IN A NEWSPAPER DESIGNATED BY THE COUNTY BOARD THE NOTICE OF THE ELECTION NO LATER THAN 40 DAYS PRIOR TO THE PRIMARY ELECTION. THIS NOTICE WILL SERVE THE NOTICE REQUIREMENT FOR ALL MUNICIPAL ELECTIONS WHICH ARE HELD IN CONJUNCTION WITH THE COUNTY, IF SUCH NOTICE IS SIGNED BY THE CHAIRMAN. (REF. 32-402.01 RS NEB.)

1-704 **ELECTIONS; JOINT, SPECIAL.** IN LIEU OF SUBMITTING A MATTER OR ISSUE AT A SEPARATE SPECIAL MUNICPAL ELECTION, THE MUNICIPALITY MAY SUBMIT SUCH MATTER OR ISSUE AT A STATEWIDE GENERAL OR PRIMARY ELECION OR AT A SCHEDULED COUNTY ELECTION OR MAY REQUEST THE COUNTY TO CONDUCT A SPECIAL ELECTION. SUCH MATTER OR ISSUE MUST BE CERTIFIED BY MUNICIPAL CLERK TO THE COUNTY CLERK OR ELECTION COMMISSIONER AT LEAST 50 DAYS PRIOR TO THE ELECTION. THE MUNICIPAL CLERK SHALL BE RESPONSIBLE FOR THE PUBLICATION OR POSTING OF ANY REQUIRED SPECIAL NOTICE OF THE SUBMISSION OF SUCH MATTER OTHER THAN THAT REQUIRED TO BE GIVEN OF THE STATEWIDE OR COUNTY ELECTION ISSUES. (REF 32-4, 153, 32-4, 154 RS NEB)

1-705 **ELECTIONS; SPECIAL ELECTION NOTICE.** NO LESS THAN FIVE DAYS NOR MORE THAN TEN DAYS, PRIOR TO ANY SPECIAL MUNICIPAL ELECTION, THE MUNICIPAL CLERK SHALL PREPARE AND CAUSE TO BE PUBLISHED ONCE IN A NEWSPAPER THAT IS IN OR OF GENERAL CIRCULATION IN THE MUNICIPALITY, BUT IF NO NEWSPAPER IS PUBLISHED IN OR IS OF GENERAL CIRCULATION IN THE MUNICIPALITY, THEN BY POSTING IN EACH OF 3 PUBLIC PLACES IN THE MUNICIPALITY, A NOTICE CONTAINING THE PROCLAMTION CONCERNING THE SAID SPECIAL ELECTION. THE NOTICE SHALL BE IN THE FORM PRESCRIBED BY STATE LAW. (REF. 19-3006 RS NEB.)

1-706 **ELECTIONS; PETITIONS CANDIDATES.** CANDIDATES FOR ANY MUNICIPAL MAY BE NOMINATED BY PETITION. PETITIONS SHALL CONTAIN SIGNATURES OF REGISTERED VOTERS TOTALING NOT LESS THAN 10% OF THE TOTAL VOTES RECEIVED BY THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES IN THE MUNICIPALITY OR WARD ATHE THE PRECEDING GENERAL ELECTION IN WHICH OFFICERS WERE LAST ELECTED TO SUCH OFFICE. THEY SHALL BE ACCOMPANIED BY A TREAURER’S RECEIPT FOR THE FILING FEES FOR THE OFFICE BEING SOUGHT. ALL PETITIONS SHALL PROVIDE A SPACE AT LEAST 2 ½” LONG FOR WRITTEN SIGNATURES; A SPACE AT LEAST 2” LONG FOR PRINTED NAMES, AND SUFFICIENT SPACE FOR ANY ADDITIONAL INFORMATION WHICH MAY BE REQUIRED. LINES ON SUCH PETITIONS SHALL NOT BE LESS THAN ¼” APART. PETITIONS MAY BE DESIGNATED IN SUCH A MANNER THAT LINES FOR SIGNATURES AND OTHER INFORMATION RUN THE LENGTH OF THE PAGE RATHER THAN THE WIDTH. PETITION SIGNERS AND PETITION CIRULATORS SHALL CONFORM TO THE REQUIREMENTS OF SECTION 32-713 RS NEB. PETITIONS MUST BE FILED AT LEAST SIXTY DAYS PRIOR TO THE STATE PRIMARY. (REF. 32-4, 156, 32-504, 32-513, 32-535, 32-713 RS NEB.)

1-707 **ELECTIONS; VOTER QUALIFICATIONS.** ELECTORS SHALL MEAN EVERY PERSON OF THE CONSITUTIONALLY PRESCRIBED AGE OR UPWARDS, WHO SHALL HAVE THE RIGHT TO VOTE FOR ALL OFFICERS TO BE ELECTED TO PUBLIC OFFICE, AND UPON ALL QUESTIONS AND PROPOSALS, LAWFULLY SUBMITTED TO THE VOTERS AT ANY AND ALL ACTIONS AUTHORIZED OR PROVIDED FOR BY THE CONSITUTION OR THE LAWS OF THE STATE OF NEBRASKA, EXCEPT SCHOOL ELECTIONS; PROVIDED, NO PERSON SHALL BE QUALIFIED TO VOTE AT ANY ELECTION UNLESS SUCH PERSON SHALL BE A RESIDENT OF THE STATE AND SHALL HAVE BEEN PROPERLY REGISTERED WITH THE ELECTION OFFICIAL OF THE COUNTY. (REF. 32-102 RS NEB.)

1-708 **ELECTIONS; OFFICIALS.** THE COUNTY CLERK SHALL AT LEAST 15 DAYS PRIOR TO THE STATE PRIMARY ELECTIONS, GIVE NOTICE OF THE APPOINTMENT OF THREE JUDGES AND 2 CLERKS OF EACH ELECTION IN EACH ELECTION UNIT IN THE MUNICIPALITY, TO BE KNOW AS THE RECEIVING BOARD. EACH OF THE APPOINTEES REFERRED TO SHALL BE OF GOOD CHARACTER, APPROVED INTEGRITY, WELL INFORMED, ABLE TO READ, WRITE, AND SPEAK ENGLISH LANGUAGE, AND SHALL HAVE RESIDED IN THE ELECTION PRECINCT IN WHICH HE IS TO SERVE FOR AT LEAST SIX MONTHS PRECEDING HIS APPOINTMENT, BE ENTITLED TO VOTE IN HIS ELECTION UNIT, AND HOLD OFFICE FOR A TERM OF TWO YEARS, OR UNTIL JUDGES AND CLERKS OF ELECTION ARE APPOINTED FOR THE NEXT STATE PRIMARY ELECTION. (REF. 32-403 RS NEB.)

1-709 **ELECTIONS; OFFICIALS OATH.** PREVIOUS TO ANY VOTES BEING RECEIVED, THE JUDGES AND CLERKS OF ELECTION SHALL SEVERALLY TAKE AN OATH OR AFFIRMATION ACCORDING TO THE FORM AUTHORIZED BY STATE LAW. IF THERE IS NO JUDGE PRESENT AT THE OPENING OF THE POLLS, IT SHALL BE LAWFUL FOR THE JUDGES OF ELECTION TO ADMINISTER THE OATH TO EACH OTHER AND THE CLERKS OF ELECTION. THE PERSON ADMINISTERING SUCH OATH SHALL CAUSE AN ENTRY TO BE MADE THEREOF AND AFFIXED TO EACH POLL BOOK. (REF. 11-101.01, 19-3015 RS NEB.)

1-710 **ELECTIONS; CAUCUS CANDIDATES.** THE GOVERNING BODY OF THE MUNICIPALITY MAY, BY ORDINANCE CALL A CAUCUS FOR THE PURPOSE OF NOMINATING CANDIDATES FOR OFFICES TO BE FILLED IN THE VILLAGE ELECTION. SUCH CAUCUS SHALL BE HELD AT LEAST 10 DAYS PRIOR TO THE FILING DEADLINE FOR SUCH ELECTION. NOTICE OF SUCH CAUCUS MUST BE PUBLISHED IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY, AT LEAST ONCE IN EACH OF TWO CONSECUTIVE WEEKS PRIOR TO SAID CAUCUS. THE MUNICIPAL CLERK SHALL NOTIFY THE PERSON SO NOMINATED OF HIS NOMINATION AND SUCH NOTIFICATION SHALL TAKE PLACE NOT LESS THAN FIVE DAYS AFTER THE SAID CAUCUS. A CANDIDATED SO NOMINATED SHALL NOT HAVE HIS NAME PLACED UPON THE BALLOT UNLESS, NOT MORE THAN 10 DAYS AFTER THE HOLDING OF SUCH CAUCUS, HE SHALL HAVE FILED WITH THE MUNICIPAL CLERK A WRITTEN STATEMENT ACCEPTING THE NOMINATION OF THE CAUCUS AND SHALL HAVE PAID THE FILING FEE, IF ANY FOR THE OFFICE FOR WHICH HE WAS NOMINATED. (RED. 17-601.01,17-601.02 RS NEB)

1-711 **ELECTIONS; JUDGES AND CLERKS COMPENSATION.** THE JUDGES AND CLERKS OF ELECTION SHALL RECEIVE PAY FOR EACH HOUR OF SERVICE RENDERED, PURSUANT TO THE THEN APPLICABLE REVISED NEBRASKA STATUTE; PROVIDED, THAT IN PRECINTS HAVING A COUNTING BOARD, NO MEMBER OF THE RECEIVING BOARD SHALL RECEIVE PAY FOR MORE THAN 13 HOURS OF SERVICE. EACH MEMBER OF THE ELECTION BOARD SHALL MAKE AN AFFIDAVIT BEFORE A QUALIFIED OFFICER OF THE NUMBER OF HOURS HE HAS WORKED. THE MESSENGER APPOINTED TO RECEIVE AND DELIVER THE ELECTION SUPPLIES TO THE ELECTION PLACE AND THE MESSENGER APPOINTED TO RETURN TO THE MUNICIPAL CLERK SHALL RECEIVE FOR SUCH SERVICE AN HOURLY COMPENSATION AND A MILEAGE COMPENSATION PER MILE NECESSARILY TRAVELED IN THE PERFORMANCE OF SAID DUTIES, PURSUANT TO THE THEN APPLICABLE REVISED NEBRASKA STATUTES. IN THE EVENT THAT A VOTING MACHINE IS USED, THE WAGES OF THE ELECTION OFFICIALS SHALL BE BASED ON THE SPECIFICALLY STATED RATE, PURSUANT TO THE THEN APPLICABLE REVISED NEBRAKSA STATUTE. (REF. 19-316, 32-4,128 RS NEB.)

1-712 **ELECTIONS; BALLOTS.** IT SHALL BE THE DUTY OF THE COUNTY CLERK TO PROVIDE PRINTED BALLOTS FOR EVERY GENERAL MUNICIPAL ELECTION AND THE EXPENSE OF PRINTING AND DELIVERING THE BALLOTS AND CARDS OF INSTRUCTION SHALL BE A CHARGE UPON THE MUNICIPALITY. (REF. 32-417, 32-418 RS NEB.)

1-713 **ELECTIONS; CERTIFICATE OF ELECTION.** AFTER THE CANVASS OF THE VOTE OF THE MUNICIPAL ELECTION, THE MUNICIPAL CLERK SHALL PREPARE A CERTIFICATE OF ELECTION FOR EACH PERSON WHOM THE CANVASSING BOARD HAS DECLARED TO HAVE RECEIEVED THE HIGHTEST VOTE, AND IN THE FORM AS NEARLY AS POSSIBLE PRESCRIBED BY STATE LAW, WHICH SHALL BE SIGNED BY AND COUNTERSIGNED BY THE MUNICIPAL CLERK. THE SAID CERTIFICATE SHALL THEN BE DELIVERED TO THE PERSONS SO ELECTED. (REF. 19-3040, 19-3041, 32-4111 RS NEB.)

1-714 **ELECTIONS; INABILITY TO ASSUME OFFICE.** IN ANY GENERAL ELECTION, WHERE THE PERSON WHO RECEIVED THE HIGHEST NUMBER OF VOTES IS INELIGIBLE, DISQUALIFIED, DECEASED, OR FOR ANY OTHER REASON IS UNABLE TO ASSUME THE OFFICE FOR WHICH HE WAS A CANDIDATE, AND THE ELECTORATE HAD REASONABLE NOTICE OF SUCH DISABILITY AT THE TIME OF THE ELECTION, THE CANDIDATE IN SUCH ELECTION WHO RECEIVED THE NEXT HIGHTEST NUMBER OF VOTES SHALL BE DECLARED ELECTED, AND SHALL BE ENTITLED TO THE CERTIFICATE OF ELECTION; PROVIDED, THAT ANY CANDIDATE SO DECLARED ELECTED RECEIVED NOT LESS THAN 35% OF THE TOTAL NUMBER OF VOTES CAST FOR SUCH OFFICE IN THE ELECTION. IF ANY OF THE QUALIFICATIONS OF THIS SECTION ARE NOT MET BY THE CANDIDATE TO BE DECLARED ELECTED, OR REASONABLE NOTICE OF THE WINNER’S INELIGIBILITY IS NOT AVAILABLE TO THE VOTERS, A VACANCY IN SUCH OFFICE SHALL BE DECLARED TO EXIST AT THE TIME OF COMMENCEMENT OF THE TERM AND SHALL BE FILLED AS PRESCRIBED BY LAW. (REF. 32-537 (7) & (8) RS NEB.)

1-715 **ELECTIONS; RECOUNT OF BALLOTS.** THE LOSING CANDIDATE FOR ANY OFFICE AT THE MUNICIPAL ELECTION MAY REQUEST A RECOUNT OF THE BALLOTS CAST WHEN THE OFFICIAL CANVASS OF SUCH VOTES CAST REVEALS THAT THERE IS A DIFFERENCE OF 25 VOTES OR LESS BETWEEN THE TOAL CAST FOR THE WINNER AND THE LOSER. SUCH RECOUNT SHALL BE MADE IF THE LOSING CANDIDATE FILES A WRITTEN REQUEST THEREFOR WITH THE MUNICIPAL CLERK WITHIN 3 DAYS FOLLOWING THE COMPLETION OF THE OFFICIAL CANVASS. (REF. 19-3042 THRU 19-3050 RS NEB)

1-716 **ELECTIONS; RECALL PROCEDURE.** ANY OR ALL OF THE ELECTED OFFICIALS OF THE MUNICIPALITY MAY BE REMOVED FROM OFFICE BY THE REGISTERED VOTERS OF THE MUNICIPALITY. PETITION PAPERS, TO DO SUCH, SHALL BE PROCURED FROM AND FILLED WITH THE MUNICIPAL CLERK, WHO CHALL KEEP A SUFFICIENT NUMBER OF SUCH BLANK PETITION PAPERS ON FILE FOR DISTRIBUTION. AN AFFIDAVIT TO PROCURE SUCH PAPERS SHALL BE MADE BY ONE OR MORE REGISTERED VOTERS AND FILED WITH THE MUNICIPAL CLERK, STATING THE NAME AND OFFICE OF THE OFFICER OR OFFICERS SOUGHT TO BE REMOVED. THE CLERK, UPON ISSUING ANY PETITION PAPER, SHALL ENTER IN A RECORD, TO BE KEPT IN HIS OR HER OFFICE, THE NAME OF THE REGISTERED VOTER OR VOTERS TO WHOM ISSUED, THE DATE OF SUCH ISSUANCE, AND THE NUMBER OF PAPERS ISSUED AND SHALL CERTIFY ON THE PAPERS THE NAME OF THE REGISTERED VOTER OR VOTERS TO WHOM THE PAPERS WERE ISSUED AND THE DATE THEY WERE ISSUED.

CIRCULATORS OF SUCH PETITIONS SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATUTES OF NEBRASKA. SUCH PETITION DEMANDING THAT RECALL BE SUBMITTED TO THE REGISTERED VOTERS SHALL BE SIGNED BY REGISTERED VOTERS EQUAL IN NUMBER TO AT LAST GENERAL MUNICIPAL ELECTION, EXCEPT FOR AN OFFICE WHERE MORE THAN ONE CANDIDATE IS CHOSEN IN WHICH CASE THE PETITION SHALL BE SIGNED BY REGISTERED VOTERS EQUAL IN NUMBER TO AT LEAST 35% OF THE NUMBER OF VOTES CAST FOR THE PERSON RECEIVING THE MOST VOTES FOR SUCH OFFICE IN THE LAST GENERAL ELECTION. IF OFFICERS ARE ELECTED BY WARD, ONLY REGISTERED VOTERS OF THAT OFFICER’S WARD MAY SIGN A RECALL PETITION OR VOTE AT THE RECALL ELECTION.

ALL PETITIONS SHALL BE FILED WITH THE CLERK FOR SIGNATURE VERIFICATION AS ONE INSTRUMENT WITHIN 30 DAYS AFTER THE FILING OF THE PETITION, THE CLERK SHALL ASCERTAIN WHETHER OR NOT THE PETITION IS SIGNED BY THE REQUISTIE NUMBER OF REGISTERED VOTERS AND SHALL ATTACH TO THE PETITION A CERTIFICATE SHOWING WHETHER ANY SIGNATURES NEED TO BE CORRECTED IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND STATE STATUTES. IF THE CLERK FINDS INCORRECT SIGNATURES, HE OR SHE SHALL PROMPTLY NOIFY THE PERSON FILING THE PETITION THAT THE PETITION MAY BE CURED AT ANY TIME WITHIN 10 DAYS AFTER THE GIVING OF SUCH NOTICE BY THE FILING OF A SUPPLEMENTARY PETITION, WITH THE CORRECTED SIGNATURES, ON ADDITIONAL PETITION PAPERS ISSUED AND FILED AS PROVIDED FOR THE ORIGINAL PETITION. NO NEW SIGNATURES MAY BE ADDED AFTER THE INITIAL FILING OF THE PETITION AND NO SIGNATURES MAY BE REMOVED UNLESS THE CLERK RECEIVES AN AFFIDAVIT SIGNED BY THE PERSON REQUESTING HIS OR HER SIGNATURE BE REMOVED. THE CLERK SHALL, WITHIN 5 DAYS AFTER ANY CORRECTION, EXAMINE THE CORRECT PETITION AND ATTACH A CERTIFICATE AS IN THE CASE OF THE ORIGINAL PETITION. IF THE CERTIFICATE SHOWS THE CORRECTED PETITION TO BE INSUFFICIENT OR IF NO CORRECTION WAS MADE, THE CLERK SHALL FILE THE PETITION IN HIS OR HER OFFICE WITHOUT PREJUDICE TO THE FILING OF A NEW PETITION FOR THE SAME PURPOSE.

IF THE PETITION OR CORRECTED PETITION IS FOUND TO BE SUFFICIENT, THE CLERK SHALL ATTACH TO THE PETITION A CERTIFICATE SHOWING THE RESULT OF SUCH EXAMINATION AND SHALL NOTIFY THE OFFICER WHOSE REMOVAL IS SOUGHT. IF THE OFFICER DOES NOT RESIGN WITHIN 5 DAYS AFTER THE NOTICE, THE CLERK SHALL SUBMIT, WITHIN 10 DAYS AFTER THE 5 DAY PERIOD HAS ELAPSED, THE ORIGINAL PETITION AND SUPPLEMENT, TOGETHER WITH HIS OR HER CERTIFICATES, TO THE GOVERNING BODY. UPON RECEIPT OF SUCH PETITION AND CERTIFICATE, THE GOVERNING BODY SHALL ORDER AN ELECTION TO BE HELD NOT LESS THAN 30 NOR MORE THAN 45 DAYS AFTER THE 5 DAY PERIOD, EXCEPT THAT IF ANY OTHER ELECTION IS TO BE HELD IN THAT DISTRICT WITHIN 90 DAYS OF THE 5 DAY PERIOD THE GOVERNING BODY MAY PROVIDE FOR THE HOLDING OF THE REMOVAL ELECTION ON THE SAME DAY.

NO RECALL PETITION SHALL BE FILED AGAINST MEMBERS OF THE GOVERNING BODY WITHIN 12 MONTHS AFTER A RECALL ELECTION HAS FAILED TO REMOVE HIM OR HER FROM OFFICE OR WITHIN 6 MONTHS FROM THE END OF HIS OR HER TERM OF OFFICE. (REF. LB 975, 1984)

1-717 **ELECTIONS; CANDIDATE QUALIFICATIONS.** ANY PERSON SEEING ELECTED OFFICE IN THE MUNICIPALITY SHALL BE A REGISTERED VOTER PRIOR TO HOLDING SUCH OFFICE AND IN ADDITION SHALL HAVE REACHED THE AGE OF MAJORITY. (REF. LB 623, 1984)

1-717 **ELECTIONS; EXIT POLLS.** NO PERSON SHALL CONDUCT ANY EXIT POLL, PUBLIC OPINON POLL, OR ANY OTHER INTERVIEW WITH VOTERS ON ELECTION DAY SEEKING TO DETERMINE VOTER PREFERENCE WITHIN 20’ OF THE ENTRANCE OF ANY POLLING PLACE ROOM OR, IF INSIDE THE POLLING PLACE BUILDING, WITHIN 100’ OF ANY VOTING BOOTH. (REF. 32-1221 R.S. NEB.)

**ARTICLE 8. FISCAL MANAGEMENT**

1-801 **FISCAL MANAGEMENT; FISCAL YEAR.** THE FISCAL YEAR OF THE MUNICIPALITY FOR THE PURPOSES OF TAXATION AND APPROPRIATONS SHALL BEGIN THE 1ST DAY IN AUGUST OF EACH YEAR. (REF. 17-701 RS NEB.)

1-802 **FISCAL MANAGEMENT; FILING BUDGET STATEMENT.** THE GOVERNING BODY SHALL, NOT LATER THAN THE 1ST DAY IN AUGUST OF EACH YEAR. (REF. 17-701 RS NEB)

1. FOR THE IMMEDIATE TWO PRIOR FISCAL YEARS, THE BUDGETED REVENUE AND EXPENDITURES FROM ALL SOURCES, SEPARATELY STATED AS TO EACH SOURCE, AND FOR EACH FUND THE BUDGETED UNENCUMBERED CASH BALANCE OF SUCH FIND AT BEGINNING OF EACH FISCAL YEAR;
2. FOR THE CURRENT FISCAL YEAR, THE BUDGETED REVENUE AND EXPENDITURES, FROM ALL SOURCES, SEPARATELY STATED AS TO EACH SUCH SOURCE, AND FOR EACH FUND THE BUDGETED UNENCUMBERED CASH BALANCE OF SUCH FUND AT THE BEGINNING OF THE YEAR. SUCH STATEMENT SHALL CONTAIN THE CASH RESERVE FOR EACH SUCH FUND FOR EACH FISCAL YEAR. SUCH CASH RESERVE PROJECTIONS SHALL BE BASED UPON THE ACTUAL EXPERIENCE OF PRIOR YEARS. THE CASH RESERVE SHALL NOT EXCEED 50% OF THE TOTAL BUDGET ADOPTED FOR SUCH FUND, EXCLUSIVE OF CAPITAL OUTLAY ITEMS; AND
3. FOR THE IMMEDIATE ENSUING FISCAL YEAR, THE BUDGET STATEMENT SHOULD INCLUDE AN ESTIMATE OF THE NON-TAX REVENUE FROM EACH SOURCE AND WHICH FUND IT IS TO BE ALLOCATED TO, THE ACTUAL OR ESTIMATED UNENCUMBERED CASH BALANCE FOR EACH FUND WHICH WILL BE AVAILABLE AT THE BEGINNING OF NEXT FISCAL YEAR, AMOUNTS PROPOSED TO BE EXPENDED DURING THE YEAR, AND THE AMOUNT OF CASH RESERVE WHICH SHALL NOT EXCEED 50% OF THE TOTAL BUDGET ADOPTED, EXCLUSIVE OF CAPITAL OUTLAY ITEMS.

THE ESTIMATED EXPENDITURES PLUS THE REQUIRED CASH RESERVE FOR THE ENSUING FISCAL YEAR LESS ALL ESTIMATED AND ACTUAL UNENCUMBERED BALANCES AT THE BEGINNING OF THE YEAR AND LESS THE ESTIMATED INCOME FROM ALL SOURCES OTHER THAN TAXATION SHALL EQUAL THE AMOUNT TO BE RECEIVED FROM TAXES, AND SUCH AMOUNT SHALL BE SHOWN ON THE PROPESED BUDGET STATEMENT FILED PURSUANT TO THIS SECTION. THE AMOUNT TO BE RAISED FROM TAXATION, AS DETERMINED HEREIN, PLUS THE EXTIMATED REVENUE FROM SOURCES OTHER THAN TAXATION AND THE UNENCUMBERED BALANCES SHALL EQUAL THE ESTIMATED EXPENDITURES PLUS THE REQUIRED CASH RESERVE FOR THE ENSUING YEAR. (REF. 23-923, 23-924 R.S. NEB.)

1-803 **FISCAL MANAGEMENT BUDGET HEARING.** SUBSEQUENT TO THE FILING OF THE PROPOSED BUDGET STATEMENT, THE GOVERNING BODY SHALL PUBLISH A PROPOSED BUDGET AND CONDUCT A PUBLIC HEARING ON THE PROPOSED BUDGET STATEMENT. NOTICE OF THE PLACE AND TIME OF THE SAID HEARING, AS WELL AS A COPY OF THE PROPOSED BUDGET, SHALL BE PUBLISHED AT LEAST 5 DAYS PRIOR TO THE DATE SET FOR HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY. AFTER SUCH HEARING, THE STATEMENT SHALL BE ADOPTED, OR AMENDED, AND ADOPTED AS AMENDED, AND A WRITTEN RECORD SHALL BE MADE OF SUCH HEARING. IF THE ADOPTED BUDGET STATEMENT REFLECTS A CHANGE FROM THAT SHOWN IN THE PUBLISHED PROPOSED BUDGET STATEMENT, A SUMMARY OF SUCH CHANGES SHALL BE PUBLISHED WITHIN 20 DAYS AFTER ITS ADOPTION. (REF. 23-925 RS NEB.)

1-804 **FISCAL MANAGEMENT; BUDGET FILING.** THE GOVERNING BODY SHALL FILE WITH, AND CERTIFY TO THE LEVYING BOARD ON, OR BEFORE AUGUST 15, AND FILE WITH THE NEBRASKA STATE AUDITOR A COPY OF THE ADOPTED BUDGET STATEMENT, TOGETHER WITH THE AMOUNT OF THE TAX TO BE LEVIED AND PROOF OF PUBLICATION. THE GOVERNING BODY SHALL NOT CERTIFY ANY TAX THAT EXCEEDS THE MAXIMUM LEVY PRESCRIBED BY STATE LAW; PROVIDED, IN CERTIFYING THE AMOUNT TO BE SO LEVIED, ALLOWANCE MAY BE MADE FOR DELIQUENT TAXES NOT EXCEEDING 5% OF THE AMOUN TO BE LEVIED PLUS THE ACTUAL PERCENTAGE OF DELIQUENT TAXES FOR THE PRECEDING TAX YEAR. (REF. 23-927 RS NEB)

1-805 **FISCAL MANAGEMENT; BUDGET PROCEDURE.**  THE MANUAL OF INSTRUCTIONS FOR CITY/VILLAGE; BUDGETS, PREPARED BY THE AUDITOR OF PUBLIC ACCOUNTS, STATE CAPITOL, LINCOLN, NEBRASKA 68509 IS INCORPORATED BY REFERENCE FOR THE PURPOSE OF PROPER BUDGET PREPARARTION.

1-806 **FISCAL MANAGEMENT; APPROPRIATIONS.** THE GOVERNING BODY SHALL, ON OR BEFORE AUGUST 15TH, PASS AN ORDINANCE TO BE TERMED THE ANNUAL APPROPRIATION BILL, IN WHICH ARE APPROPRIATED SUCH SUM OF MONEY AS MAY BE DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE MUNICIPALITY, NOT EXCEEDING IN THE AGGREGATE THE AMOUNT OF TAX AUTHORIZED TO BE LEVIED. THE SAID ORDINANCE SHALL SPECIFY THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE TO BE MADE, AND THE AMOUNT APPROPRIATED FOR EACH PURPOSE. ANY BALANCE UNEXPECTED AND UNOBLIGATED AT THE END OF THE FISCAL YEAR SHALL, UNLESS REAPPRORIATED, LAPSE INTO THE GENERAL FUND. (REF. 17-706 RS NEB.)

1-807 **FISCAL MANAGEMENT; GENERAL PROPERTY TAX.** THE GOVERNING BODY SHALL CAUSE TO BE CERTIFIED TO THE COUNTY CLERK THE AMOUNT OF TAX TO BE LEVIED UPON THE ASSESSED VAUE OF ALL THE TAXABLE PROPERTY OF THE MUNICIPALITY FOR THE REQUIREMENTS OF THE ADOPTED BUDGET FOR THE ENSUING YEAR, INCLUDING ALL SPECIAL ASSESSMENTS AND TAXES. THE MAXIUMUM AMOUNT OF TAX WHICH MAY BE CERTIFIED AND ASSESSED SHALL NOT REQUIRE A TAX LEVY IN EXCESS OF THE LEGAL MAXIUM AS PRESCIBED BY STATE LAW. (REF. 17-702 RS NEB.)

1-808 **FISCAL MANAGEMENT; EXPENDITURES.** NO MUNICIPAL OFFICIAL SHALL HAVE THE POWER TO APPROPRIATE, ISSUE, OR DRAW ANY ORDER OR WARRANT ON THE MUNICIPAL TREASURY FOR MONEY, UNLESS THE SAME HAS BEEN APPROPRIATED OR ORDERED BY ORDINANCE. NO EXPENDITURE FOR ANY IMPROVEMENT TO BE PAID FOR OUT OF THE GENERAL FUND OF THE MUNICIPALITY SHALL EXCEED IN ANY ONE YEAR THE AMOUNT PROVIDED FOR THAT IMPROVEMENT IN THE ADOPTED BUDGET STATEMENT. (REF. 17-708 RS NEB.)

1-809 **FISCAL MANAGEMENT; CONTRACT.** THE GOVERNING BODY SHALL BEFORE MAKING ANY CONTRACT IN EXCESS OF $10,000 AS ESTIMATED BY THE MUNICIPAL ENGINEER, FOR GENERAL IMPROVEMENTS, SUCH AS WATER EXTENSIONS, SEWERS, PUBLIC HEATING SYSTEM, BRIDGES, OR WORK ON STREETS, OR ANY OTHER WORK OR IMPROVEMENT WHERE THE COST OF SUCH IMPROVEMENT SHALL BE ASSESSED TO THE PROPERTY, ADVERTISE FOR BIDS, UNLESS SUCH CONTRACT SHALL BE ENTERED INTO FOR THE BENEFIT OF THE MUNICIPAL ELECTRIC UTILITY. A MUNICIPAL ELECTRIC UTITLITY MAY ENTER INTO A CONTRACT FOR ANY SUCH WORK OR IMPROVEMENT OR FOR THE PURCHASE OF SUCH EQUIPMENT WITHOUT ADVERTISING FOR BIDS IF THE: (A) PRICE IS $10,000 OR LESS; (B) PRICE IS $20,000 OR LESS AND THE MUNICIPAL ELECTRIC UTILITY HAS A GROSS ANNUAL REVENUES FROM RETAIL SALES IN EXCESS OF $1,000,000 (C) PRICE IS $30,000 OR LESS AND THE MUNICIPAL ELECTRIC UTILITY HAS GROSS ANNUAL REVENUES FROM RETAIL SALES IN EXCESS OF $5,000,000 OR; (D) PRIC IS $40,000 OR LESSS AND THE MUNICIPAL ELECTRIC UTILITY HAS GROSS ANNUAL REVENUES FROM RETAIL SALES IN EXCESS OF $10,000,000. IN ADVERTISING FOR BIDS FOR ANY SUCH WORK, OR FOR THE PRUCHASE OF SUCH EQUIPMENT, THE GOVERNING BODY MAY CAUSE THE AMOUNT OF SUCH ESTIMATE TO BE PUBLISHED THEREWITH.

SUCH ADVERTISEMENT SHALL BE PUBLISHED ONCE EACH WEEK FOR 3 CONSECUTIVE WEEKS IN A LEGAL NEWSPAPER PUBLISHED IN OR OF GENERAL CIRCULATION IN THE MUNICIPALITY, OR BY POSTING A WRITTEN OR PRINTED COPY THEREOF IN EACH OF 3 PUBLIC PLACEES IN THE MUNICIPALITY; PROVIDED, THAT IN CASE OF A PUBLIC EMERGENCY RESULTING FROM INFECTIOUS OR CONTAGIOUS DISEASES, DESTRUCTIVE WINDSTORMS, FLOODS, SNOW, AN EMERGENCY OR PRESSING NECESSITY OR UNFORSEEN NEED CALLING FOR IMMEDIATE ACTION OR REMEDY TO PREVENT A SERIOUS LOSS OF, OR SERIOUS INJURY OR DAMAGE TO LIFE, HEALTH, OR PROPERTY, OR WAR, ESTIMATES OF COSTS AND ADVERTISING FOR BIDS MAY BE WAIVED IN THE EMERGENCY ORDINANCE WHEN ADOPTED BY A ¾ VOTE OF THE GOVERNING BODY.

IF, AFTER ADVERTISING FOR BIDS AS PROVIDED IN THIS SECTION, THE GOVERNING BODY RECEIVES FEWER THAN 2 BIDS ON A CONTRACT FOR SERVICES, MATERIAL, OR LABOR, OR IF THE BIDS RECEIVED BY THE GOVERNING BODY CONTAIN A PRICE WHICH EXCEEDS THE ESTIMATED COST OF THE PROJECT, THE GOVERNING BODY SHALL HAVE THE AUTHORITY TO NEGOTIATE A CONTRACT FOR SERVICES, MATERIAL, OR LABOR IN AN ATTEMPT TO COMPLETE THE PROPOSED PROJECT AT A COST COMMENSURATE WITH THE ESTIMATE GIVEN. IF THE MATERIALS ARE OF SUCH A NATURE THAT, IN THE OPINION OF THE MANUFACTURER AND WITH THE CONCURRENCE OF THE GOVERNING BODY, OR BOARD OF PUBLIC WORKS, NO COST CAN BE ESTIMATED UNTIL THE MATERIALS HAVE BEEN MANUFACTURED OR ASSEMBLED TO THE SPECIFIC QUALIFICATIONS OF THE PURCHASING MUNICIPALITY, THE GOVERNING BODY OR BOARD OF PUBLIC WORKS, MAY AUTHORIZE THE MANUFACTURE AND ASSEMBLAGE OF SUCH MATERIALS AND MAY THEREAFTER APPROVE THE ESTIMATED COST EXPENDITURE WHEN IT IS PROVIDED BY THE MANUFACTURER.

THE MUNICIPAL BIDDING PROCEDURE SHALL BE WAIVED WHEN MATERIALS OR EQUIPMENT ARE PURCHASED AT THE SAME PRICE AND FROM THE SAME SELLER AS MATERIALS OR EQUIPMENT WHICH HAVE FORMERLY BEEN OBTAINED PERUSANT TO THE STATE BIDDING PROCEDURE. (REF. 17-568.01, 17-613 RS NEB.)

1-810 **FISCAL MANAGEMENT; ANNUAL AUDIT; FINANCIAL STATEMENTS.** THE GOVERNING BODY SHALL CAUSE AN AUDIT OF THE MUNICIPAL ACCOUNTS TO BE MADE BY A QUALIFIED ACCOUNTANT AS EXPEDITITIOUSLY AS POSSIBLE FOLLOWING THE CLOSE OF THE FISCAL YEAR. SUCH AUDIT SHALL BE MADE ON A CASH OR ACCRUAL METHOD AT THE DISCRETION OF THE GOVERNING BODY. THE SAID AUDIT SHALL BE COMPLETED AND THE ANNUAL AUDIT REPORT MADE NOT LATER THAN 6 MONTHS AFTER THE CLOSE OF THE FISCAL YEAR. THE ACCOUNTANT MAKING THE AUDIT REPORT TO THE GOVERNING BODY. ALL PUBLIC UTILITIES OR OTHER ENTERPRISES WHICH SUBSTANTIALY GENERATE THEIR OWN REVENUE SHALL BE AUDITED SEPARATELY, EXCEPT IN VILLAGES HAVING A POPULATION OF LESS THAN 800, AND THE RESULTS OF SUCH AUDITS SHALL APPREA SEPARATELY IN THE ANNUAL AUDIT REPORT, AND SUCH AUDITS SHALL BE ON AN ACCRUAL BASIS AND SHALL CONTAIN STATEMENTS AND MATERIALS WHICH CONFORM TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. THE AUDIT REPORT SHALL SET FORTH THE FINANCIAL POSITION AND RESULTS OF FINANCIAL OPERATIONS FOR EACH FUND OR GROUP OF ACCOUNTS OF THE MUNICIPALITY AS WELL AS AN OPINION BY THE ACCOUNTANT WITH RESPECT TO THE FINANCIAL STATEMENTS. TWO COPIES OF THE ANNUAL AUDIT REPORT SHALL BE FILED WITH THE MUNICIPAL CLERK, AND SHALL BECOME A PART OF THE PUBLIC RECORDS OF THE MUNICIPAL CLERK’S OFFICE, AND WILL AT ALL TIMES THEREAFTER, BE OPEN FOR PUBLIC INSPECTION. ONE COPY SHALL BE FILED WITH THE AUDITOR OF PUBLIC ACCOUNTS; PROVIDED, THAT ALL VILLAGES MAY FILE AN UNAUDITE STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS ANNUALLY IN LIEU OF AN ANNUAL AUDIT. SUCH UNAUDITED STATEMENT SHALL BE FILED WITH THE AUDITOR OF PUBLIC ACCOUNTS IN A FORM PRESCRIBED BY HIM. THE UNAUDITED STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS SHALL BECOME A PART OF THE PUBLIC RECORDS OF THE MUNICIPAL CLERK AND SHALL AT ALL TIMES THEREAFTER BE OPEN AND SUBJECT TO PUBLIC INSPECTION. EVERY GOVERNING BODY THAT IS REQUIRED HEREIN TO SUBMET TO AN AUDIT OF ITS ACCOUNTS SHALL PROVIDE AND FILE WITH THE MUNICIPAL CLERK, NOT LATER THAN AUGUST 1ST OF EACH YEAR, FINANCIAL STATEMENTS SHOWING ITS ACTUAL AND BUDGETED FIGURES FOR THE MOST RECENTLY COMPLETED FISCAL YEAR. (REF. 19-2901 THRU 19-2909 R.S. NEB.; LB 932, 1984)

1-811 **FISCAL MANAGEMENT; CLAIMS.** ALL CLAIMS AGAINST THE MUNICIPALITY SHALL BE PRESENTED TO THE GOVERNING BODY IN WRITING WITH A FULL ACCOUNT OF THE ITEMS, AND NO CLAIM OR DEMAND SHALL BE AUDITED OR ALLOWED UNLESS PRESENTED AS PROVIDED FOR IN THIS SECTION. NO COSTS SHALL BE RECOVERED AGAINST THE MUNICIPALITY IN ANY ACTION BROUGHT AGAINST IT FOR AN UNLIQUIDATED CLAIM WHICH HAS NOT ANY ACTION BROUGHT AGAINST IT FOR AN UNLIQUIDATED CLAIM WHICH HAS NOT BEEN PRESENTED TO THE GOVERNING BODY TO BE AUDITED, NOR UPON CLAIMS ALLOWED, WITH THE INTEREST DUE. NO ORDER, OR WARRANT SHALL BE DRAWN IN EXCESS OF 85% OF THE CURRENT LEVY FOR THE PURPOSE FOR WHICH IT IS DRAWN UNLESS THERE SHALL BE SUFFICIENT MONEY IN THE MUNICIPAL TREASURY FOR THE APPROPRIATE FUND AGAINST WHICH IT IS TO BE DRAWN; PROVIDED, THAT IN THE EVEN THERE EXISTS OBLIGATED FUNDS FROM THE FEDERAL AND/OR STATE GOVERNMENT FOR THE GENERAL PURPOSE OF SUCH WARRANT, THEN SUCH WARRANT MAY BE DRAWN IN EXCESS OF 85%, BUT NOT MORE THAN 100% OF THE CURRENT LEVY FOR THE PURPOSE FOR WHICH SAID WARRANT IS DRAWN.

1-812 **FISCAL MANAGEMENT; WARRANTS**. ALL WARRANTS DRAWN UPON THE MUNICIPAL TREASURY MUST BE SIGNED BY THE CHAIRMAN OF THE BOARD AND TO WHICH THE WARRANT IS CHARGEABLE, THE PERSON TO WHOM IT IS PAYABLE, AND THE PURPOSE OF THE EXPENDITURE. NO MONEY SHALL BE OTHERWISE PAID THAN UPON WARRANTS SO DRAWN. EACH WARRANT SHALL SPECIFY THE AMOUNT INCLUDED OF SUCH FUND.

1-813 **FISCAL MANAGEMENT; TRANSFER OF FUNDS.** THE GOVERNING BODY MAY, WHENEVER DURING THE CURRENT FISCAL YEAR IT BECOMES APPARENT DUE TO UNFORESEEN EMERGENCIES THAT THERE IS TEMPORARILY INSUFFICIENT MONEY IN A PARTICULAR FUND TO MEET THE REQUIREMENTS OF THE ADOPTING BUDGET OF EXPENDITURES FOR THAT FUND, BY A MAJORITY VOTE TRANSFER MONEY FROM OTHER FUNDS TO SUCH FUND. NO EXPENDIUTURE DURING ANY FISCAL YEAR SHALL BE MADE IN EXCESS OF THE AMOUNTS INDICATED IN THE ADOPTING BUDGET STATEMENT, EXCEPT AS AUTHORIZED HEREIN. IF AS THE RESULT OF UNFORSEEN CIRCUMSTANCES, THE REVENUE OF THE CURRENT FISCAL YEAR SHALL BE INSUFFICIENT, THE GOVERNING BODY MAY PROPOSE TO SUPPLEMENT THE PREVIOUSLY ADOPTED BUDGET STATEMENT AND SHALL CONDUCT A PUBLIC HEARING AT WHICH TIME ANY TAXPAYER MAY APPEAR, OR FILE A WRITTEN STATEMENT PROTESTING THE APPLICATION FOR ADDITIONAL MONEY. A WRITTEN RECORD SHALL BE KEPT OF ALL SUCH HEARINGS. NOTICE OF A PLACE, AND TIME FOR THE SAID HEARING SHALL BE PUBLISHED AT LEAST FIVE DAYS PRIOR TO THE DATE SET FOR THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY. THE PUBLISHED NOTICE SHALL SET FORTH THE TIME, AND PLACE OF THE PROPOSED HEARING, THE AMOUNT OF ADDITIONAL MONEY, A STATEMENT SETTING FORTH THE REASONS WHY THE ADOPTED …. (TEXT ENDED HERE!)

1-814 **FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUND.** ALL MONEY RECEIVED ON SPECIAL TAX ASSESSMENTS SHALL BE HELD BY THE MUNICIPAL TREASURER AS A SPECIAL FUDN TO BE APPLIED TO THE PAYMENT OF THE IMPROVEMENT FOR WHICH THE ASSESSMENT WAS MADE, AND SUCH MONEY SHALL BE USED FOR NO OTHER PURPOSE UNLESS TO REIMBURSE THE MUNICIALITY FOR MONEY EXPENDED FOR ANY SUCH IMPROVEMENT. (REF. 17-710 RS NEB.)

1-815 **FISCAL MANAGEMENT; SINKING FUNDS.** THE GOVERNING BODY, SUBJECT TO THE LIMITATIONS SET FORTH HEREIN, SHALL HAVE THE POWER TO LEVY A TAX NOT TO EXCEED THAT PRESCRIBED BY STATE LAW UPON THE ASSESSED VALUE OF ALL TAXABLE PROPERTY WITHIN THE MUNICIPALITY FOR A TERM NOT TO EXCEED THAT PRESCRIBED BY STATE LAW IN ADDITION TO THE AMOUNT OF TAX WHICH MAY BE ANNUALLY LEVIED FOR THE PURPOSE OF THE ADOPTED BUDGET STATEMENT OF THE MUNICIPALITY, FOR THE PURPOSE OF ESTABLISHING A SINKING FUND FOR THE CONSTRUCTION, PURCHASE, IMPROVEMENT, EXTENSION, OR REPAIR OF THE APPROVED USES AS AUTHORIZED BY STATE LAW. TO INITIATE THE SAID SINKING FUND, THE GOVERNING BODY SHALL DECLARE ITS PURPOSE BY RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE MUNICIPALITY THE PROPOSITION TO PROVIDED THE IMPROVEMENT AT THE NEXT GENERAL MUNICIPAL ELECTION. THE RESOLUTION SHALL SET FORTH THE IMPROVEMENT, THE ESTIMATED COST, THE AMOUNT OF THE ANNUAL LEVY, THE NUMBER OF YEARS REQUIRED TO PROVIDED THE REQUIRED REVENUE, THE NAME OF THE SINKING FUND THE PROPOSED, AND THE PROPOSITION AS IT WILL APPEAR ON THE BALLOT. NOTICE OF THE SAID PROPOSITION SHALL BE PUBLISHED IN ITS ENTIRETY 3 TIMES ON SUCCESSIVE WEEKS BEFORE THE DAY OF THE ELECTION IN A LEGAL NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY. THE SINKING FUND MAY BE ESTABLISHED AFTER THE ELECTION IF A MAJORITY, OR MORE OF THE LEGAL VOTES WERE IN FAVOR OF THE ESTABLISHMENT OF THE FUND. THE GOVERNING BODY MAY THEN PROCEED TO ESTABLISH THE SAID FUND IN CONFORMITY WITH THE PROVISIONS OF THE PROPOSITION, AND APPLICABLE STATE THEY ACCUMULATE, BE IMMEDIATELY INVESTED WITH THE WRITTEN APPROVAL OF THE GOVERNING BODY IN THE MANNER PROVIDED BY STATE LAW. NO SINKING FUND SO ESTABLISHED SHALL BE USED FOR ANY PURPOSE OR PURPOSES CONTRARY TO THE PURPOSE AS IT APPEARED ON THE BALLOT UNLESS THE GOVERNING BODY IS AUTHORIZED TO DO SO BY 60% OF THE QUALIFIED ELECTORS OF THE MUNICIPALITY VOTING AT A GENERAL ELECTION FAVORING SUCH A CHANGE IN THE USE OF THE SINKING FUND. (REF. 19-1301 THRU 19-1304, 77-2337, 77-2339 RS NEB.)

1-816 **FISCAL MANAGEMENT; GENERAL FUND.** ALL MONEY NOT SPECIFICALLY APPROPRIATED IN THE ANNUAL APPROPRIATION BILL SHALL BE DEPOSITED IN AND KNOWN AS THE GENERAL FUND.

1-817 **FISCAL MANAGEMENT; DEPOSIT OF FUND.** THE GOVERNING BODY, AT ITS 1ST MEETING IN EACH FISCAL YEAR, SHALL DESIGNATE ONE OR MORE BANKS APPROVED AND RESPONSIBLE STANDING IN WHICH THE MUNICIPAL TREASURER SHALL KEEP AT ALL TIMES ALL MONEY HELD BY HIM; PROVIDED, IF MORE THAN ONE BANK IN THE MUNICIPALITY MEETS THE REQUIREMENTS FOR APPROVED BANKS AS HEREIN DEFINED, THE SAID FUNDS SHALL BE DEPOSITED IN EACH OF THEM, AND THE MUNICIPAL TREASURER SHALL NOT GIVE A PREFERENCE TO ANY ONE OR MORE OF THEM IN THE MONEY HE SHALL DEPOSIT. A BOND SHALL BE REQUIRED FROM ALL BANKS SO SELECTED IN A PENAL SUM WHICH EQUALS THE MAXIMUM AMOUNT ON DEPOSIT AT ANY TIME LESS THE AMOUNT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR A PLEDGE OF SUFFICIENT ASSETS OF THE BANK TO SECURE THE PAYMENT OF ALL SUCH DEPOSITS. (REF. 17-607, 77-2362 THRU 77-2364 RS NEB.)

1-818 **FISCAL MANAGEMENT; INVESTMENT OF FUNDS.** WHENEVER A VILLAGE HAS ACCUMULATED A SURPLUS OF ANY FUND IN EXCESS OF ITS CURRENT NEEDS OR HAS ACCUMULATED A SINKING FUND FOR THE PAYMENT OF ITS BONDS AND THE MONEY IN SUCH SINKING FUND EXCEEDS THE AMOUNT NECESSARY TO PAY THE PRINCIPAL AND INTEREST OF ANY SUCH BONDS WHICH BECOME DUE DURING THE CURRENT YEAR, THE GOVERNING BODY OF SUCH VILLAGE MAY INVEST ANY SUCH SURPLUS IN CERTIFICATES OF DEPOSIT, IN TIME DEPOSITS, AND IN ANY SECURITIES IN WHICH THE STATE INVESTMENT GUIDELINES OF THE NEBRASKA INVESTMENT COUNCIL IN EFFECT ON THE DATE THE INVESTMENT IS MADE. (REF. 17-608, 17-609, 21-1316.01, 77-2341 RS NEB.)

SECTION 2. THAT THE ORIGINAL SECTION 1-818 AND ANY OTHER ORDINACE OR SECTION PASSED AND APPROVED PRIOR TO THE PASSAGE, APPROVAL, PUBLICATION OR POSTING OF THIS ORDINANCE AND IN CONFLICT WITH ITS PROVISIONS, IS HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE, APPROVAL, PUBLICATION OR POSTING AS REQUIRED BY LAW.

1-819 **FISCAL MANAGEMENT; BOND ISSUES.** THE GOVERNING BODY MAY, AFTER MEETING ALL THE REQUIREMENTS OF STATE LAW, ISSUE BONDS, FUND BONDS, AND RETIRE BONDS FOR SUCH PURPOSES AS MAY BE PERMITTED BY STATE LAW. THE GOVERNING BODY SHALL HAVE THE AUTHORITY TO LEVY SPECIAL ASSESSMENTS FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON SUCH BONDS, AND MAY SPREAD THE PAYMENTS UP TO THE MAXIUMUM NUMBER OF YEARS PERMITTED BY STATE LAW. (REF. 10-201 THRU 10-411, 10-601 THRU 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-801 THRU 18-805, 23-343.13, 39-836 RS NEB.)

1-820 **FISCAL MANAGEMENT; DELIQUENT UTILITY ASSESSMENT.**

SECTION 1. THERE IS HEREBY ESTABLISHED A DELINQUENCY CHARGE OF 5% OF THE UTILITIES FURNISHED TO THE CONSUMER. ALL VILLAGE UTILITIES SHALL BE BILLED BY THE FIRST OF THE MONTH; SAID UTILITY MONTH; AND A DELIQUENCY ASSESSMENT OF 5% OF THE UTILITY BILL (EXCLUDING TAX) SHALL BE ADDED TO THE BILL IF NOT PAID IN FULL BY THE 15TH OF THE MONTH.

SECTION 2. THE DELINQUENCY ASSESSMENT SHALL APPLY TO ALL CITY SERVICES INCLUDING ELECTRICITY, WATER, GAS AND SEWER.

SECTION 3. ALL ORDINANCES AND PARTS OF ORDINANCES, PASSED AND APPROVED, PRIOR TO THE PASSAGE AND APPROVAL OF THIS ORDINANCE, AND IN CONFLICT HEREWITH, ARE HEREBY APPEALED.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION OR POSTING AS REQUIRED BY LAW, TO BE EFFECTIVE FOR THE BILLING PERIOD COMMENCING SEPTEMBER 20, 1993.

**ARTICLE 9. COMPENSATION**

1-901 **COMPENSATION; MUNICIPAL OFFICIALS.** THE COMPENSATION OF ANY ELECTIVE OFFICIAL OF THE MUNICIPALITY SHALL NOT BE INCREASED OR DIMINSHED DURING THE TERM OF WHICH HE SHALL HAVE BEEN ELECTED EXCEPT WHEN THERE HAS BEEN A MERGER OF OFFICERS; PROVIDED, THE COMPENSATION OF THE MEMBERS OF THE GOVERNING BODY, A BOARD, OR COMMISSION MAY BE INCREASED OR DIMINSHED AT THE BEGINNING OF THE FULL TERM OF ANY MEMBER WHETHER OR NOT THE TERMS OF ONE OR MORE MEMBERS COMMENCE AND END AT DIFFERENT TIMES. NO ELECTED OFFICIAL MAY BE REHIRED AT A GREATER SALARY IF HE RESIGNS AND DESIRES TO BE REHIRED AFTER THE TERM OF OFFICE DURING WHICH HE RESIGNED AT A GREATER SALARY. ALL SALARIES SHALL BE SET BY ORDINANCE OF THE GOVERNING BODY AND WILL BE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE MUNICIPAL CLERK.

1-902 **COMPENSATION; CONFLICT OF INTEREST.** FOR PURPOSED OF THIS SECTION, OFFICER SHALL MEAN (A) ANY MEMBER OF ANY BOARD OF COMMISSION OF THE MUNICIPALITY, (B) ANY APPOINTED OFFICIAL IF SUCH MUNICIPAL OFFICIAL (i) SERVES ON A BOARD OR COMMISSION WHICH SPEND AND ADMINSTERS ITS OWN FUND AND (ii) IS DEALING WITH A CONTRACT MADE BY SUCH BOARD OR COMMISSION, OR (C) ANY ELECTED MUNICIPAL OFFICIAL. UNLESS SPECIFIED OTHERWISE, VOLUNTEER FIREFIGHTERS AND AMBULANCE DRIVERS SHALL NOT BE CONSIDERED OFFICERS FOR PURPOSES OF THIS SECTION, WITH RESPECT TO THEIR DUTIES AS FIREFIGHTERS AND AMBULANCE DRIVERS.

NO OFFICER OF THE MUNICIPALITY SHALL BE PERMITTED TO BENEFIT FROM ANY CONTRACT TO WHICH THE MUNICIPALITY IS A PARTY. THE EXISTENCE OF SUCH AN INTEREST IN ANY CONTRACT RENDERS THE CONTRACT VOIDABLE BY DECREE OF A COURT OF COMPETENT JURISDICTION AS TO ANY PERSON WHO ENTERED INTO THE CONTRACT OR TOOK ASSSIGNMENT THEREOF WITH ACTUAL KNOWLEDGE OF THE PROHIBITED CONFLICT. AN ACTION TO HAVE A CONTRACT DECLARED VOID UNDER THIS SECTION MAY BE BROUGHT BY THE MUNICIPALITY OR BY ANY RESIDENT THEREOF AND MUST BE BROUGHT WITHIN ONE YEAR AFTER THE CONTRACT IS SIGNED OR ASSIGNED. ANY SUCH DECREE MAY PROVIDE FOR THE REIMBURSEMENT OF ANY PERSON FOR THE REASONABLE VALUE OF ALL MONEY, GOODS, MATERIAL, LABOR, OR SERVICES FURNISHED UNDER THE CONTRACT, TO THE EXTENT THAT THE MUNICIPALITY HAS BENEFITED THEREBY. THE PROHIBITION IN THIS SECTION SHALL APPLY ONLY WHEN THE OFFICER OR HIS OR HER PARENT, SPOUSE, OR CHILD (A) HAS AN OWNERSHIP INTEREST OF 5% OR MORE IN ANY BUSINESS INVOLVED IN THE CONTRACT OR (B) WILL RECEIVE A DIRECT PECUNIARY FEE OR COMMISSION AS A RESULT OF THE CONTRACT; PROVIDED HOWEVER, IF SUCH OFFICER (A) IS AN EMPLOYEE OF THE BUSINESS INVOLVED IN THE CONTRACT AND (B) HAS NO OWNERSHIP INTEREST OR WILL NOT RECEIVE A PECUNIARY FEE SUCH OFFICER SHALL NOT BE DEEMED TO HAVE AN ITEREST WITHIN THE MEANING OF THIS SECTION.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF THE INTERESTED OFFICER;

1. MAKES A DECLARATION ON THE RECORD TO THE GOVERNMENTAL BODY RESPONSIBLE FOR APPROVING THE CONTRACT REGARDING THE NATURE AND EXTENT OF HIS OR HER INTEREST, PRIOR TO OFFICIAL CONSIDERATION OF THE CONTRACT;
2. DOES NOT VOTE ON THE MATTER OF GRANTING THE CONTRACT, EXCEPT THAT IF THE NUMBER OF MEMBERS OF THE BOARD DECLARING AN INTEREST IN THE CONTRACT WOULD PREVENT THE BOARD, WITH ALL MEMBERS MAY VOTE ON THE MATTER; AND
3. DOES NOT ACT FOR THE MUNICIPALITY AS TO INSPECTION OR PERFORMANCE UNDER THE CONTRACT IN WHICH HE OR SHE HAS AN INTEREST

THE RECEIVING OF DEPOSITS, CASHING OF CHECKS, AND BUYING AND SELLING OF WARRANTS AND BONDS OF INDEBTEDNESS OF ANY MUNICIPALITY BY A FINANCIAL INSTITUTION SHALL NOT BE CONSIDERED A CONTRACT UNDER THE PROVISIONS OF THIS SECTION. THE OWNERSHIP OF LESS THAN 5% OF THE OUTSTANDING SHARES OF A CORPORATION SHALL NOT CONSTITUTE AN INTEREST WITHIN THE MEANING OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS A THROUGH C ABOVE, IF AN OFFICER MAY VOTE ON ALL ISSUES OF THE CONTRACT WHICH ARE GENERALLY APPLICABLE TO ALL EMPLOYEES OR ALL EMPLOYEES WITHIN A CLASSIFICATION AND DO NOT SINGLE OUT HIS OR HER PARENT, SPOUSE, OR CHILD, SUCH OFFICER SHALL DISCLOSE THE HIRING PURSUANT TO SUBSECTIONS 1 THROUGH 5 BELOW, EXCEPT THAT IF THE PARENT, SPOUSE, OR CHILD IS ALREADY EMPLOYED IN THE POSITION AT THE TIME THE OFFICER TAKES OFFICE AND SUCH POSITION DOES NOT CHANGE, NO DISCLOSURE NEED BE MADE. NOTWITHSTANDING AN OTHER PROVISION OF THIS SECTION, ANY CONTRACT ENTERED INTO WITH AN INTERESTED OFFICER SHALL BE SUBJECT TO APPLICABLE COMPETITIVE BIDDING REQUREMENTS AND SHALL BE FAIR AND REASONABLE TO THE MUNICIPALITY.

THE MUNICIPAL CLERK SHALL MAINTAIN, SEPARATELY FROM OTHER RECORDS, A LEDGER CONTAINING THE INFORMATION LISTED IN SUBSECTIONS 1 THROUGH 5 OF THIS SECTION ABOUT EVERY CONTRACT ENTERED INTO BY THE MUNICIPALITY IN WHICH AN OFFICER HAS AN INTEREST AS SPECIFIED ABOVE FOR WHICH DISCLOSURE IS MADE AS PROVIDED IN SUBSECTIONS A THROUGH C ABOVE. SUCH INFORMATION SHALL BE KEPT IN THE LEDGER FOR 5 YEARS FROM THE DATE OF THE OFFICER’S LAST DAY IN OFFICE AND SHALL INCLUDE THE FOLLOWING:

1. NAMES OF THE CONTRACTING PARTIES;
2. NATURE OF THE INTEREST OF THE OFFICER IN QUESTION;
3. DATE THAT THE CONTRACT WAS APPROVED BY THE MUNICIPALITY INVOLVED;
4. AMOUNT OF THE CONTRACT; AND
5. BASIC TERMS OF THE CONTRACT

THE INFORMATION SUPPLIED RELATIVE TO THE CONTRACT SHALL BE PROVIDED TO THE CLERK NOT LATER THAN 10 DAYS AFTER THE CONTRACT HAS BEEN SIGNED BY BOTH PARTIES. THE LEDGER KEPT BY THE CLERK SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING THE NORMAL WORKING HOURS OF THE OFFICE IN WHICH IT IS KEPT.

AN OPEN ACCOUNT ESTABLISHED FOR THE BENEFIT OF ANY MUNICIPALITY OR ENTITY THEREOF, WICH A BUSINESS IN WHICH AN OFFICER HAS AN INTEREST, SHALL BE DEEMED A CONTRACT SUBJECT TO THE PROVISIONS OF THIS SECTION. THE STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL BE FILED WITHIN 10 DAYS AFTER SUCH ACCOUNT IS OPENED. THEREAFTER, THE CLERK SHALL MAINTAIN A RUNNING ACCOUNT OF ALL AMOUNTS PURCHASED ON THE OPEN ACCOUNT. PURCHASES MADE FROM PETTY CASH OR A PETTY CASH FUND SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

ANY OFFICER WHO KNOWINGLY VIOLATES THE PROVISIONS OF SECTIONS 18-301.01 THROUGH 18-301.03 R.S. NEB., SHALL BE GUILTY OF A CLAS II MISDEMEANOR. ANY OFFICER WHO NEGLIGENTLY VIOLATES SECTIONS 18-301.01 THROUGH 18-301.03 R.S. NEB. SHALL BE GUILTY OF A CLASS V MISDEMEANOR.

THE MUNICIPALITY MAY ENACT ORDINANCES EXEMPTING FROM THE PROVISIONS OF THIS SECTION, CONTRACTS INVOLVING $100.00 OR LESS IN WHICH AN OFFICER OF SUCH MUNICIPALITY MAY HAVE AN INTEREST.

NO OFFICER, INCLUDING VOLUNTEER FIREFIGHTERS AND AMBULANCE DRIVERS, SHALL RECEIVE ANY PAY OR PERQUISITES FROM THE MUNICIPALITY OTHER THAN HIS OR HER SALARY. THE GOVERNING BODY SHALL NOT PAY OR APPROPRIATE ANY MONEY OR OTHER VALUABLE THING TO PAY A PERSON WHO IS NOT AN OFFICER FOR THE PERFORMANCE OF ANY ACT, SERVICE, OR DUTY, WHICH SHALL COME WITHIN THE PROPER SCOPE OF THE DUTIES OF AN OFFICER OF THE MUNICIPALITY. (REF. 17-611, 18-301.01 THRU 18-301.03, 18-305 THRU 18-312, 70-624.04 R.S. NEB.)

1-903 **COMPENSATION; CONFLICT OF INTEREST.** FOR PURPOSES OF THIS SECTION “OFFICER” SHALL MEAN (A) ANY MEMBER OF ANY BOARD OR COMMISSION OF THE MUNICIPALITY, (B) ANY APPOINTED OFFICIAL IF SUCH MUNICIPAL OFFICIAL (I) SERVES ON A BOARD OR COMMISSION WHICH SPENDS AND ADMINISTERS ITS OWN FUNDS AND (II) IS DEALING WITH A CONTRACT MADE BY SUCH BOARD OR COMMISSION, OR (C) ANY ELECTED MUNICIPAL OFFICIAL. UNLESS SPECIFIED OTHERWISE, VOLUNTEER FIREFIGHTERS AND AMBULANCE DRIVERS SHALL NOT BE CONSIDERED OFFICERS FOR PURPOSES OF THIS SECTION, WITH RESPECT TO THEIR DUTIES AS FIREFIGHTERS AND AMBULANCE DRIVERS.

NO OFFICER OF THE MUNICIPALITY SHALL BE PERMITTED TO BENEFIT FROM ANY CONTRACT TO WHICH THE MUNICIPALITY IS A PARTY. THE EXISTENCE OF SUCH AN INTEREST IN ANY CONTRACT RENDERS THE CONTRACT VOIDABLE BY DECREE OF A COURT OF COMPETENT JURISDICTION AS TO ANY PERSON WHO ENTERED INTO THE CONTRACT OR TOOK ASSIGNMENT THEREOF WITH ACTUAL KNOWLEDGE OF THE PROHIBITED CONFLICT. AN ACTION TO HAVE A CONTRACT DECLARED VOID UNDER THIS SECTION MY BE BROUGHT BY THE MUNICIPALITY OR BY ANY RESIDENT THEREOF AND MUST BE BROUGHT WITHIN ONE YEAR AFTER THE CONTRACT IS SIGNED OR ASSIGNED. ANY SUCH DECREE MAY PROVIDE FOR THE REIMBURSEMENT OF ANY PERSON FOR THE REASONABLE VALUE OF ALL MONEY, GOODS, MATERIAL, LABOR, OR SERVICES FURNISHED UNDER THE CONTRACT TO THE EXTENT THAT THE MUNICIPALITY HAS BENEFITED THEREBY. THE PROHIBITION IN THE SECTION SHALL APPLY ONLY WHEN THE OFFICER OR HIS OR HER PARENT, SPOUSE, OR CHILD (A) HAS A BUSINESS WITH WHICH THE INDIVIDUAL IS ASSOCIATED OR BUSINESS ASSOCIATION WHICH SHALL MEAN A BUSINESS: (1) IN WHICH THE INDIVIDUAL IS A PARTNER, DIRECTOR, OR OFFICER OR (2) IN WHICH THE INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL’S IMMEDIATE FAMILY IS A STOCKHOLDER OF A CLOSED CORPORATION STOCK WORK $1,000.00 OR MORE AT FAIR MARKET VALUE OR WHICH REPRESENTS MORE THAN 5% EQUITY INTEREST, OR IS A STOCKHOLDER OF PUBLICLY TRADED STOCK WORTH $10,000.00 OR MORE AT FAIR MARKET VALUE OR WHICH REPRESENTS MORE THAN 10% EQUITY INTEREST OR (B) WILL RECEIVE A DIRECT PECUNIARY FEE OR COMMISSION AS A RESULT OF THE CONTRACT; PROVIDED, HOWEVER, IF SUCH OFFICER (A) IS AN EMPLOYEE OF THE BUSINESS INVOLVED IN THE CONTRACT AND (B) HAS NO OWNERSHIP INTEREST OR WILL NOT RECEIVE A PECUNIARY FEE SUCH OFFICER SHALL NOT BE DEEMED TO HAVE AN INTEREST WITHIN THE MEANING OF THIS SECTION.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF THE INTERESTED OFFICER:

1. MAKES A DECLARATION ON THE RECORD TO THE GOVERNMENTAL BODY RESPONSIBLE FOR APPROVING THE CONTRACT REGARDING THE NATURE AND EXTENT OF HIS OR HER INTEREST, PRIOR TO OFFICIAL CONSIDERATION OF THE CONTRACT;
2. DOES NOT VOTE ON THE MATTER OF GRANTING THE CONTRACT, EXCEPT THAT IF THE NUMBER OF MEMBERS OF THE BOARD DECLARING AN INTEREST IN THE CONTRACT WOULD PREVENT THE BOARD, WITH ALL MEMBERS PRESENT, FROM SECURING A QUORUM ON THE ISSUE, THEN ALL MEMBERS MAY VOTE ON THE MATTER; AND
3. DOES NOT ACT FOR THE MUNICIPALITY AS TO INSPECTION OR PERFORMANCE UNDER THE CONTRACT IN WHICH HE OR SHE HAS AN INTEREST.

THE RECEIVING OF DEPOSITS, CASHING OF CHECKS, AND BUYING AND SELLING OF WARRANTS AND BONDS OF INDEBTEDNESS OF ANY MUNICIPALITY BY A FINANCIAL INSTITUTION SHALL NOT BE CONSIDERED A CONTRACT UNDER THE PROVISIONS OF THIS SECTION. THE OWNERSHIP OF LESS THAN 5% OF THE OUTSTANDING SHARES OF A CORPORATION SHALL NOT CONSTITUTE AN INTEREST WITHIN THE MEANING OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS, A THROUGH C ABOVE, IF AN OFFICER’S PARENT, SPOUSE, OR CHILD IS AN EMPLOYEE OF THE MUNICIPALITY, THE OFFICER MAY VOTE ON ALL ISSUES OF THE CONTRACT WHICH ARE GENERALLY APPLICABLE TO ALL EMPLOYEES OR ALL EMPLOYEES WITHIN A CLASSIFICATION AND DO NOT SINGLE OUT HIS OR HER PARENT, SPOUSE, OR CHILD FOR SPECIAL ACTION. IF AN OFFICER HAS THE POWER TO EMPLOY PERSONNEL AND HE OR SHE HIRES HIS OR HER PARENT, SPOUSE, OR CHILD, SUCH OFFICER SHALL DISCLOSE THE HIRING PURSUANT TO SUBSECTIONS 1 THROUGH 5 BELOW, EXCEPT THAT IF THE PARENT, SPOUSE, OR CHILD IS ALREADY EMPLOYED IN THE POSITION AT THE TIME THE OFFICER TAKES OFFICE AND SUCH POSITION DOES NOT CHANGE, NO DISCLOSURE NEED BE MADE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, ANY CONTRACT ENTERED INTO WITH AN INTERESTED OFFICER SHALL BE SUBJECT TO APPLICABLE COMPETITIVE BIDDING REQUIREMENTS AND SHALL BE FAIR AND REASONABLE TO THE MUNICIPALITY.

THE MUNICIPAL CLERK SHALL MAINTAIN, SEPARATELY FROM OTHER RECORDS, A LEDGER CONTAINING THE INFORMATION LISTED IN SUBSECTIONS 1 THROUGH 5 OF THIS SECTION ABOUT EVERY CONTRACT ENTERED INTO BY THE MUNICIPALITY IN WHICH AN OFFICER HAS AN INTEREST AS SPECIFIED ABOVE FOR WHICH DISCLOSURE IS MADE AS PROVIDED IN SUBSECTIONS A THROUGH C ABOVE. SUCH INFORMATION SHALL BE KEPT IN THE LEDGER FOR FIVE YEARS FROM THE DATE OF THE OFFICER’S LAST DAY IN OFFICE AND SHALL INCLUDE THE:

1. NAMES OF THE CONTRACTING PARTIES;
2. NATURE OF THE INTEREST OF THE OFFICER IN QUESTION;
3. DATE THAT THE CONTRACT WAS APPROVED BY THE MUNICIPALITY INVOLVED;
4. AMOUNT OF THE CONTRACT; AND
5. BASIC TERMS OF THE CONTRACT

THE INFORMATION SUPPLIED RELATIVE TO THE CONTRACT SHALL BE PROVIDED TO THE CLERK NOT LATER THAN 10 DAYS AFTER THE CONTRACT HAS BEEN SIGNED BY BOTH PARTIES. THE LEDGER KEPT BY THE CLERK SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING THE NORMAL WORKING HOURS OF THE OFFICE IN WHICH IT IS KEPT.

AN OPEN ACCOUNT ESTABLISHED FOR THE BENEFIT OF ANY MUNICIPALITY OR ENTITY THEREOF, WITH A BUSINESS IN WHICH AN OFFICER HAS AN INTEREST, SHALL BE DEEMED A CONTRACT SUBJECT TO THE PROVISIONS OF THIS SECTION. THE STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL BE FILLED WITHIN 10 DAYS AFTER SUCH ACCOUNT OF ALL AMOUNTS PURCHASED ON THE OPEN ACCOUNT. PURCHASES MADE FROM PETTY CASH OR A PETTY CASH FUND SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

ANY OFFICER WHO KNOWINGLY VIOLATES THE PROVISIONS OF SECTIONS 49-14,103.01 THROUGH 49-14,103.03 R.S. NEB., SHALL BE GUILTY OF A CLASS III MISDEMEANOR. ANY OFFICER WHO NEGLIGENTLY VIOLATES SECTIONS 49-14,103.01 THROUGH 49-14,103.03 R.S. NEB., SHALL BE GUILTY OF A CLASS V MISDEMEANOR.

THE MUNICIPALITY MAY ENACT ORDINANCES EXEMPTING FROM THE PROVISIONS OF THIS SECTION, CONTRACT INVOLVING $100.00 OR LESS IN WHICH AN OFFICER OF SUCH MUNICIPALITY MAY HAVE AN INTEREST.

NO OFFICER, INCLUDING VOLUNTEER FIREFIGHTERS AND AMBULANCE DRIVERS, SHALL RECEIVE ANY PAY OR PERQUISITES FROM THE MUNICIPALITY OTHER THAN HIS OR HER SALRY. THE GOVERNING BODY SHALL NOT PAY OR APPRORIATE ANY MONEY OR OTHER VALUABLE THING TO PAY A PERSON WHO IS NOT AN OFFICER FOR THE PERFORMANCE OF ANY ACT, SERVICE, OR DUTY, WHICH SHALL COME WITHIN THE PROPER SCOPE OF THE DUTIES OF ANY OFFICER OF THE MUNICIPALITY. (REF. 17-611, 18-305 THROUGH 18-312, 49-14, 103.01 THROUGH 49-14, 103.03, 70-624.04 R.S. NEB.)

**ARTICLE 10. PENAL PROVISION**

1-1001 **VIOLATION; PENALTY.** AN PERSON WHO SHALL VIOLATE OR REFUSE TO COMPLY WITH THE ENFORCEMENT OF ANY OF THE PROVISIONS OF THIS CHAPTER, SET FORTH AT FULL LENGTH HEREIN OR INCORPORATED BY REFERENCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF, SHALL BE FINED NOT MORE THAN $100.00 FOR EACH OFFENSE. A NEW VIOLATION SHALL BE DEEMED TO HAVE BEEN COMMITTED EVERY 24 HOURS OF SUCH FAILURE TO COMPLY.

1-1001 **INITIATIVE AND REFERENDUM; DEFINITIONS.** THE POWERS OF INITIATIVE AND REFERENDUM ARE RESERVED TO THE QUALIFIED ELECTORS OF THE MUNICIPALITY BY STATE LAW. THIS ARTICLE SHALL GOVERN THE USE OF INITIATIVE TO ENACT, AND THE USE OF REFERENDUM TO AMEND OR REPEAL MEASURES AFFECTING THE GOVERNANCE OF THE MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE, THE DEFINITIONS SET OUT IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, SHALL APPLY.

CIRCULATOR SHALL MEAN ANY PERSON WHO SOLICITS SIGNATURES FOR AN INITIATIVE OR REFERENDUM PETITION.

CLERK SHALL MEAN THE MUNICIPAL CLERK OR THE MUNICIPAL OFFICIAL IN CHARGE OF ELECTIONS.

GOVERNING BODY SHALL MEAN THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY.

MEASURE SHALL MEAN AN ORDINANCE, CHARTER PROVISION, OR RESOLUTION WHICH IS WITHIN THE LEGISLATIVE AUTHORITY OF THE GOVERNING BODY TO PASS, AND WHICH IS NOT EXCLUDED FROM THE OPERATION OF REFERENDUM BY THE EXCEPTIONS IN SECTION 1-1012.

MUNICIPALITY SHALL MEAN THE VILLAGE OF PENDER, NEBRASKA.

PETITION SHALL MEAN A DOCUMENT AUTHORIZED FOR CIRCULATION PURSUANT TO SECTION 1-1002, OR ANY COPY OF SUCH DOCUMENT.

PLACE OF RESIDENCE SHALL MEAN THE STREET AND NUMBER OF THE RESIDENCE. IF THERE IS NO STREET AND NUMBER FOR THE RESIDENCE, PLACE OF RESIDNECE SHALL MEAN THE MAILING RESIDENCE.

PROSPECTIVE PETITION SHALL MEAN A SAMPLE DOCUMENT CONTAINING THE INFORMATION NECESSARY FOR A COMPLETED PETITION, INCLUDING A SAMPLE SIGNATURE SHEET, WHICH HAS NOT YET BEEN AUTHORIZED FOR CIRCULATION.

QUALIFIED ELECTORS SHALL MEAN ALL PERSONS REGISTERED TO VOTE, AT THE TIME THE PROSPECTIVE PETITION IS FILED, IN THE JURISDICTION GOVERNED OR TO BE GOVERNED BY ANY MEASURE SOUGHT TO BE ENACTED BY INITIATIVE, OR ALTERED OR REPEALED BY REFERENDUM.

RESIDENCE SHALL MEAN THAT PLACE AT WHICH A PERSON HAS ESTABLISHED HIS OR HER HOME, WHERE HE OR SHE IS HABITUALLY PRESENT, AND TO WHICH, WHEN HE OR SHE DEPARTS, HE OR SHE INTENDS TO RETURN.

SIGNATURE SHEET SHALL MEAN A SHEET OF PAPER WHICH IS PART OF A PETITION AND WHICH IS SIGNED BY PERSONS WISHING TO SUPPORT THE PETITION EFFORT. (REF. 18-2501 THRU 18-2511 R.S. NEB.)

1-1002 **INITIATIVE AND REFERENDUM; PETITION, BALLOTS.** BEFORE CIRCULATING AN INITIATIVE OR REFERENDUM PETITION, THE PETITIONER SHALL FILE WITH THE CLERK A PROSPECTIVE PETITION. THE CLERK SHALL DATE THE PROSPECTIVE PETITION IMMEDIATELY UPON ITS RECEIPT. THE CLERK SHALL VERIFY THAT THE PROSPECTIVE PETITION IS IN PROPER FORM AND SHALL PROVIDE A BALLOT TITLE FOR THE INITIATIVE OR REFERENDUM PROPORSAL, AS DESCRIVED BELOW. IF THE PROSPECTIVE PETITION IS IN PROPER FORM, THE CLERK SHALL AUTHORIZE THE CIRCULATION OF THE PETITION AND SUCH AUTHORIZATION SHALL BE GIVEN WITHIN 3 WORKING DAYS FROM THE DATE THE PROSPECTIVE PETITION WAS FILED. IF THE FORM OF THE PROSPECTIVE PETITION IS INCORRECT, THE CLERK SHALL, WITHIN 3 WORKING DAYS FROM THE DATE PERSPECTIVE PETITION WAS FILED, INFORM THE PETITIONER OF NECESSARY CHANGES AND REQUEST THAT THOSE CHANGES BE MADE. WHEN THE REQUESTED CHANGED HAVE BEEN MADE AND THE REVISED PROSPECTIVE PETITION HAS BEEN SUBMITTED TO THE CLERK IN PROPER FORM, THE CLERK SHALL AUTHORIZE THE CIRCULATION OF THE PETITION AND SUCH AUTHORIZATION SHALL BE GIVEN WITHIN TWO WORKING DAYS FROM THE RECEIPT OF THE PROPERLY REVISED PETITION. VERIFICATION BY THE CLERK THAT THE PROSPECTIVE PETITION IS IN PROPER FORM DOES NOT CONSTITUTE AN ADMISSION BY THE CLERK, GOVERNING BODY, OR MUNICIPALITY THAT THE MEASURE IS SUBJECT TO REFERENDUM OR LIMITED REFERENDUM OR THAT THE MEASURE MAY BE ENACTED BY INITIATIVE.

THE BALLOT TITLE OF ANY MEASURE TO BE INITIATED OR REFERRED SHALL CONSIST OF:

1. A BRIEFLY-WORDED CAPTION BY WHICH THE MEASURE IS COMMONLY KNOWN OR WHICH ACCURATELY SUMMARIZES THE MEASURE;
2. A BRIEFLY-WORDED QUESTION WHICH PLAINLY STATES THE PURPOSE OF THE MEASURE, AND IS PHRASED SO THAT AN AFFIRMATIVE RESPONSE TO THE QUESTION CORRESPONDS TO AN AFFIRMATIVE VOTE ON THE MEASURE; AND
3. A CONCISE AND IMPARTIAL STATEMENT, OF NOT MORE THAN 75 WORDS, OF THE CHIEF PURPOSE OF THE MEASURE.

THE BALLOTS USED WHEN VOTING ON INITIATIVE OR REFERENDUM PROPOSAL SHALL CONTAIN THE ENTIRE BALLOT TITLE. PROPOSALS FOR INITIATIVE AND REFERENDUM SHALL BE SUBMITTED ON SEPARATE BALLOTS AND THE BALLOTS SHALL BE PRINTED IN LOWER CASE TEN POINT TYPE, EXCEPT THAT THE CAPTION SHALL BE IN BOLD FACE TYPE. ALL INITIATIVE AND REFERENDUM MEASURES SHALL BE SUBMITTED IN A NONPARTISAN MANNER WITHOUT INDICATING OR SUGGESTING ON THE BALLOT THAT THEY HAVE OR HAVE NOT BEEN APPROVED OR ENDORSED BY ANY POLITICAL PARTY OR ORGANIZATION. (REF. 18-2513 R.S. NEB.)

1-1003 **INITIATIVE AND REFERENDUM; PETITIONS; FORM; DECLARATORY JUDGMENTS.** THE SECRETARY OF STATE SHALL DESIGN THE FORM TO BE USED FOR INITIATIVE AND REFERENDUM PETITIONS, INCLUDING SIGNATURE SHEETS. THESE FORMS SHALL BE MADE AVAILABLE TO THE PUBLIC BY THE CLERK, AND THEY SHALL SERVE AS A GUIDE FOR INDIVIDUALS PREPARING PROSPECTIVE PETITIONS. SUBSTANTIAL COMPLIANCE WITH INITIATIVE AND REFERENDUM FORMS IS REQUIRED BEFORE AUTHORIZATION TO CIRCULATE SUCH PETITION SHALL BE GRANTED BY THE CLERK PURSUANT TO SECTION1-1002. CHIEF PETITIONERS OR CIRCULATORS PREPARING PROSPECTIVE PETITIONS. SUBSTANTIAL COMPLAINCE WITH INITIATIVE AND REFERENDUM FORMS IS REQUIRED BEFORE AUTHORIZATION TO CIRCULATE SUCH PETITION SHALL BE GRANTED BY THE CLERK PURSUANT TO SECTION 1-1002. CHIEF PETITIONERS OR CIRCULATORS PREPARING PROSPECTIVE PETITIONS SHALL BE RESPONSIBLE FOR MAKING COPIES OF THE PETITION FOR CIRCULATION, ONCE AUTHORIZATION FOR CIRCULATION HAS BEEN GRANTED, AND EACH PETITION PRESENTED FOR SIGNATURE MUST BE IDENTICAL TO THE PETITION AUTHORIZED FOR CIRCULATION BY THE CLERK PURSUANT TO SECTION 1-1002.

THE MUNICIPALITY OR ANY CHIEF PETITIONER MAY SEEK A DECLARATORY JUDGEMENT REGARDING ANY QUESTIONS ARISING UNDER THIS ARTICLE, AS IT MAY BE FROM TIME TO TIME AMENDED, INCLUDING, BUT NOT LIMITED TO, DETERMINING WHETER A MEASURE IS SUBJECT TO REFERENDUM OR LIMITED REFERENDUM OR WHETHER A MEASURE MAY BE ENACTED BY INITIATIBE. IF A CHIEF PETITIONER SEEKS A DECLARATORY JUDGMENT, THE MUNICIPALITY SHALL BE SERVED BY PERSONAL, RESIDENCE, OR CERTIFIED MAIL SERVICE UPON THE CHIEF EXECUTIVE OFFICER, OR CLERK. IF THE MUNICIPALITY SEEKS A DECLARATORY JUDGMENT, ONLY THE CHIEF PETITIONER OR CHIEF PETITIONERS SHALL BE REQUIRED TO BE SERVED. ANY ACTION BROUGHT FOR DECLARATORY JUDGMENT FOR PURPOSES OF DETERMINING WHETHER A MEASURE IS SUBJECT TO LIMITED REFERENDUM OR REFERENDUM, OR WHETHER A MEASURE MAY BE ENACTED BY INITIATIVE, MAY BE FILED IN THE DISTRICT COURT AT ANY TIME AFTER THE FILING OF A REFERENDUM OR INITIATIVE PETITION WITH THE MUNICIPAL CLERK FOR SIGNATURE VERIFICATION UNTIL 40 DAYS FROM THE DATE THE GOVERNING BODY RECEIVED NOTIFICATION PURSUANT TO SECTION 1-1006. IF THE MUNICIPALITY DOES NOT BRING AN ACTION FOR DECLARATORY JUDGMENT TO DETERMINE WHETHER THE MEASURE IS SUBJECT TO LIMITED REFERENDUM OR REFERENDUM, OR WHETHER THE MEASURE MAY BE ENACTED BY INITIATIVE UNTIL AFTER IT HAS RECEIVED NOTIFICATION PURSUANT TO SECTION 1-1006, IT SHALL BE REQUIRED TO PROCEED WITH THE INITIATIVE OR REFERENDUM ELECTION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. IF THE MUNICIPALITY DOES FILE SUCH AN ACTION PRIOR TO RECEIVING NOTIFICATION PURSUANT TO SECTION 1-1006, IT SHALL NOT BE REQUIRED TO PROCEED TO HOLD SUCH ELECTION UNTIL A FINAL DECISION HAS BEEN RENDERED IN THE ACTION. ANY ACTION FOR A DECLARATORY JUDGMENT SHALL BE GOVERNED GENERALLY BY SECTIONS 25-21, 149 TO 25-21, 164 R.S. NEB., EXCEPT THAT ONLY THE MUNICIPALITY AND EACH CHIEF PETITIONER SHALL BE REQUIRED TO BE MADE PARTIES. THE MUNICIPALITY, CLERK, GOVERNING BODY, OR ANY OF THE MUNICIPALITY’S OFFICERS SHALL BE ENTITLED TO RELY ON ANY ORDER RENDERED BY THE COURT IN ANY SUCH PROCEEDING. ANY ACTION BROUGHT FOR DECLARATORY JUDGMENT PURSUANT TO THIS SECTION SHALL BE GIVEN PRIORITY IN SCHEDULING HEARINGS AND IN DISPOSIITON AS DETERMINED BY THE COURT WHEN AN ACTION IS BROUGHT TO DETERMINE WHETHER THE MEASURE IS SUBJECT TO LIMITED REFERENDUM OR REFERENDUM, OR WHETHER A MEASURE MAY BE ENACTED BY INITIATIVE, A DECISION SHALL BE RENDERED BY THE COURT NO LATER THAN 5 DAYS PRIOR TO THE ELECTION. THE PROVISIONS OF THIS SECTION RELATING TO DECLARATORY JUDGMENTS SHALL NOT BE CONSTRUED AS LIMITING, BUT CONSTRUED AS SUPPLEMENTAL AND ADDITIONAL TO OTHER RIGHTS AND REMEDIES CONFERRED BY LAW.

EVERY PETITION SHALL CONTAIN THE NAME AND PLACE OF RESIDENCE OF NOT MORE THAN 3 PERSONS AS CHIEF PETITIONERS OR SPONSORS SHALL THE INITIATIVE OR REFERENDUM PROPOSAL. EVERY PETITION SHALL CONTAIN THE CAPTION AND BALLOT TITLE REQUIRED IN SECTION 1-1002, AND ONLY QUALIFIED ELECTORS SHALL CIRCULATE PETITIONS. WHEN A SPECIAL ELECTION IS BEING REQUESTED, SUCH FACT SHALL BE STATED ON EVERY PETITION. (REF. 25-51.02, 25-2514, 25-515 R.S. NEB.)

1-1004 **INITIATIVE AND REFERENDUM; SIGNATURE SHEETS**. EVERY SIGNATURE SHEET SHALL:

1. CONTAIN THE CAPTION REQUIRED IN SUBSECTION OF SECTION 1-1002 OF THIS ARTICLE;
2. BE PART OF A COMPLETE AND AUTHORIZED PETITION WHEN PRESENTED TO POTENTIAL SIGNATURES;
3. PROVIDE SPACE FOR SIGNATORIES TO WRITE THEIR NAMES, PLACES OF RESIDENCE, AND THE DATE OF SIGNING; AND
4. CONTAIN A STATEMENT THAT ANYONE FALSIFYING INFORMATION ON A SIGNATURE SHEET SHALL BE SUBJECT TO PENALTIES PROVIDED BY LAW.

NO MORE THAN 25 SIGNATURES ON EACH SIGNATURE SHEET SHALL BE COUNTED. IN ORDER TO BE VALID, A SIGNATURE SHALL BE THAT OF AN INDIVIDUAL REGISTERED TO VOTE, AT THE TIME OF SIGNING, IN THE JURISDICTION GOVERNED OR TO GOVERNED BY THE MEASURE ADDRESSED IN THE PETITION. A SIGNATURE SHALL INCLUDE THE SIGNATORY’S FILL NAME, HIS OR HER PLACE OF RESIDENCE, AND THE DATE OF SIGNING. NO SIGNATORY SHALL USE DITTO MARKS AS A MEANS OF AFFIXING HIS OR HER PLACE OF RESIDENCE OR DATE ON ANY PETITION. A WIFE SHALL NOT USE HER HUSBAND’S CHRISTIAN OR GIVEN NAME WHEN SHE SIGNS A PETITIN ANS SHE SHALL SIGN HER OWN CHRISTIAN OR GIVEN NAME ALONG WITH HER SURNAME. (REF. 18-2516 R.S. NEB.)

1-1005 **INITIATIVE AND REFERENDUM; PETITIONS, AFFIDAVIT**. INCLUDED IN THE CONTENTS OF EVERY PETITION SHALL BE AN AFFIDAVIT, TO BE SIGNED BY THE CIRCULATOR IN THE PRESENCE OF A NOTARY, WHICH STATES THAT THE CIRCULATOR IS A QUALIFIED ELECTOR, THAT EACH PERSON WHO SIGNED THE PETITION DID SO IN THE PRESENCE OF THE CIRCULATOR ON THE DATE INDICATED, AND THAT THE CIRCULATOR BELIEVES THAT EACH SIGNATORY WAS REGISTERED TO VOTE IN THE AFFECTED JURISDICTION AT THE TIME HE OR SHE SIGNED THE PETITIONAND THAT THE CIRCULATOR BELIEVES THAT EACH SIGNATORY HAS STATED HIS OR HER NAME AND PLACE OF RESIDENCE CORRECTLY. (REF. 18-2517 R.S. NEB.)

1-1008 **INITIATIVE AND REFERENDUM; DIRECT VOTE.** THE EXECUTIVE OFFICER AND GOVERNING BODY OF THE MUNICIPALITY MAY AT ONE TIME, BY RESOLUTION, PROVIDE FOR THE SUBMISSION TO A DIRECT VOTE OF THE ELECTORS OF ANY MEASURE PENDING BEFORE IT, PASSED BY IT, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, OR ENACTED BY THE ELECTORS UNDER THIS ARTICLE AND MAY PROVIDE IN SUCH RESOLUTION THAT SUCH MEASURE SHALL BE SUBMITTED AT A SPECIAL ELECTION OR THE NEXT REGULAR SCHEDULED PRIMARY OR GENERAL ELECTION. IMMEDIATELY UPON THE PASSAGE OF ANY SUCH RESOLUTION FOR SUBMISSION, THE CLERK SHALL CAUSE SUCH MEASURE TO BE SUBMITTED TO A DIRECT VOTE OF THE ELECTORS, AT THE TIME SPECIFIED IN SUCH RESOLUTION OF MEASURES UPON PROPOSALS AND PETITIONS FILED BY VOTERS. SUCH MATTER SHALL BECOME LAW IF APPROVED BY A MAJORITY OF THE VOTE CAST. (REF. 18-2520 R.S. NEB.)

1-1009 **INITIATIVE AND REFERENDUM; ELECTIONS.** THE CLERK SHALL CALL ELECTIONS UNDER THIS ARTICLE, EITHER AT A SPECIAL ELECTION OR REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION. HE OR SHE SHALL CAUSE NOTICE OF EVERY SUCH ELECTION TO BE PRINTED IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN SUCH MUNICIPALITY AT LEAST ONCE NOT LESS THAN 30 DAYS PRIOR TO SUCH ELECTION AND ALSO POSTED IN THE OFFICE OF THE CLERK AND IN AT LEAST 30 DAYS PRIOR TO SUCH ELECTION. THE NOTICE SHALL BE SUBSTANTIALLY AS FOLLOWS:

NOTICE IS HEREBY GIVE THAT ON TUESDAY, THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 19\_\_, AT (IDENTIFY POLLING PLACE OR PRECINT) OF THE MUNICIPALITY OF PENDER NEBRASKA, AN ELECTION WILL BE HELD AT WHICH THERE WILL BE SUBMITTED TO THE ELECTORS OF THE MUNICIPALITY FOR THEIR APPROVAL OR REJECTION, THE FOLLOWING MEASURES, PROPOSITIONS, OR ISSUES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(NAMING MEASURES, PROPOSITIONS, OR ISSUES), WHICH ELECTION WILL BE OPEN AT 8:00 AM AND WILL CONTINUE OPEN UNTIL 8:00 PM OF THE SAME DAY.

DATED THIS \_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 19.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CLERK OF THE VILLAGE OF PENDER, NEBRASKA

THE CLERK SHALL MAKE AVAILABLE FOR PHOTOCOPYING A COPY IN PAMPHLET FORM OF MEASURES INITIATED OR REFERRED. SUCH NOTICE PROVIDED IN THIS SECTION SHALL DESIGNATE WHERE SUCH A COPY IN PAMPHLET FORM OF MEASURES INITIATED OR REFERRED. SUCH NOTICE PROVIDED IN THIS SECTION SHALL DESIGNATE WHERE SUCH A COPY IN PAMPHLET FORM MAY BE OBTAINED. (REF. 18-2521 R.S. NEB.)

1-1010 **INITIATIVE AND REFERENDUM; BALLOTS**. ALL BALLOTS FOR USE IN SPECIAL ELECTIONS UNDER THIS ARTICLE SHALL BE PREPARED BY THE CLERK AND FURNISHED BY THE GOVERNING BODY, UNLESS THE GOVERNING BODY CONTRACTS WITH THE COUNTY FOR SUCH SERVICE, AND SHALL BE IN FORM THE SAME AS PROVIDED BY LAW FOR ELECTION OF THE EXECUTIVE OFFICER AND GOVERNING BODY OF SUCH MUNICIPALITY. WHEN ORDINANCES UNDER SUCH SECTIONS ARE SUBMITTED TO THE ELECTORS AT A REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION THEY SHALL BE PLACED UPON THE OFFICIAL BALLOTS AS PROVIDED IN THIS ARTICLE. (REF. 18-2522 R.S. NEB.)

1-1011 **INITIATIVE AND REFERENDUM; INITIATIVE.**

1. THE POWER OF INITIATIVE ALLOWS CITIZENS THE RIGHT TO ENACT MEASURES AFFECTING THE GOVERNANCE OF THE MUNICIPALITY. AN INITIATIVE PROPOSAL SHALL NOT HAVE AS ITS PRIMARY OR SOLE PURPOSE THE REPEAL OR MODIFICATION OF EXISTING TO AND NECESSARY FOR THE ADOPTION AND EFFECTIVE OPERATION OF THE INITIATIVE MEASURE.
2. AN INITIATIVE SHALL NOT BE EFFECTIVE IF THE DIRECT OR INDIRECT EFFECT OF THE PASSAGE OF SUCH INITIATIVE MEASURE SHALL BE TO REPEAL OR ALTER AN EXISTING LAW, OR PORTION THEREOF, WHICH IS NOT SUBJECT TO REFERENDUM OR SUBJECT ONLY TO LIMITED REFERENDUM PURSUANT TO SECTION 1-1012.
3. WHENENVER AN INITIATIVE PETITION BEARING SIGNATURES EQUAL IN NUMBER TO AT LEAST 15% OF THE QUALIFIED ELECTORS OF THE MUNICIPALITY HAS BEEN FILED WITH THE CLERK AND VERIFIED, IT SHALL BE THE DUTY OF THE GOVERNING BODY TO CONSIDER PASSAGE OF THE MEASURE CONTAINED IN THE PETITION INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY. IF THE GOVERNING BODY FAILS TO PASS THE MEASURE WITHOUT AMENDMENT, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, WITHIN 30 DAYS FROM THE DATE IT RECEIVED NOTIFICATION, THE CLERK SHALL CAUSE THE MEASURES TO BE SUBMITTED AT A SPECIAL ELECTION. SUCH RESOLUTION SHALL NOT BE SUBJECT TO REFERENDUM OR LIMITITED REFERENDUM.
4. WHENENVER AN INITIATIVE PETITION BEARING SIGNATURES EQUAL IN NUMBER TO AT LEAST 20% OF THE QUALIFIED ELECTORS WHICH REQUESTS THAT A SPECIAL ELECTION BE CALLED TO SUBMIT THE INITIATIVE MEASURE TO A VOTE OF THE PEOPLE HAS BEEN FILED WITH THE CLERK AND VERIFIED PURSUANT TO SECTION 1-1006, IT SHALL BE THE DUTY OF THE GOVERNING BODY TO CONSIDER PASSAGE OF THE MEASURE CONTAINED IN THE PETITION INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, WITHIN 30 DAYS FROM THE DATE IT RECEIVED NOTIFICATION, THE CLERK SHALL CAUSE THE MEASURE TO BE SUBMITTED TO A VOTE OF THE PEOPLE AT A SPECIAL ELECTION CALLED FOR SUCH PURPOSE. THE DATE OF SUCH SPECIAL ELECTION CALLED FOR SUCH PURPOSE. THE DATE OF SUCH ELECTION SHALL NOT BE LESS THAN 30, NOR MORE THAN 60 DAYS FROM THE DATE THE GOVERNING BODY RECEIVED NOTIFICATION PURSUANT TO SECTION 1-1006.
5. IF A MAJORITY OF VOTERS VOTING ON THE INITIATIVE MEASRUE SHALL VOTE IN FAVOR OF SUCH MEASURE, IT SHALL BECOME A VALID AND BINDING MEASURE OF THE MUNICIPALITY 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS, UNLESS THE GOVERNING BODY BY RESOLUTION ORDERS AN EARLIER EFFECTIVE DATE OR THE MEASURE ITSELF PROVIDES FOR A LATER EFFECTIVE DATE, WHICH RESOLUTION SHALL NOT BE SUBJECT TO REFERENDUM OR LIMITED REFERENDUM. A MEASURE PASSED BY SUCH METHOD SHALL NOT BE AMENDED OR REPEALED EXCEPT BY 2/3 MAJORITY OF THE MEMBERS OF THE GOVERNING BODY. NO SUCH ATTEMPT TO AMEND OR REPEAL SHALL BE MADE WITHIN ONE YEAR FROM THE PASSAGE OF THE MEASURE BY THE ELECTORS. (REF. 18-2523 THRU 18-2526 R.S. NEB.)

1-1012 **INITIATIVE AND REFERENDUM; REFERENDUM LIMITATIONS.** THE POWER OF REFERENDUM ALLOWS CITITZENS THE RIGHT TO REPEAL OR AMEND EXISTING MEASURES, OR PORTIONS THEREOF, AFFECTING THE GOVERNANCE OF THE MUNICIPALITY.

1. THE FOLLOWING MEASURES SHALL NOT BE SUBJECT TO REFERENDUM OR LIMITED REFERENDUM:
   1. MEASURES NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS INCLUDING, BUT NOT LIMITED TO, THOSE RELATING TO THE ISSUANCE OF OR PROVIDED FOR IN BONDS, NOTES, WARRANTS, OR OTHER EVIDENCES OF INDEBTNESS, FOR PROJECTS PREVIOUSLY APPROVED BY A MEASURE WHICH WAS, OR IS, SUBJECT TO REFERENDUM OR LIMITED REFERENDUM OR PREVIOUSLY APPROVED BY A MEASURE ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.
   2. MEASURES RELATING TO ANY INDUSTRIAL DEVELOPMENT PROJECTS, SUBSEQUENT TO MEASURES GIVING INITIAL APPROVAL TO SUCH PROJECTS;
   3. MEASURES ADOPTING PROPOSED BUDGET STATEMENTS FOLLOWING COMPLIANCE WITH PROCEDURES SET FORTH IN THE NEBRASKA BUDGET ACT;
   4. MEASURES RELATING TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY WHICH HAVE BEEN DESIGNATED AS URGENT MEASURES BY UNANIMOUS VOTE OF THOSE PRESENT AND VOTING OF THE GOVERNING BODY AND APPROVED BY ITS EXECUTIVE OFFICER;
   5. MEASURES RELATING TO PROJECTS FOR WHICH NOTICE HAS BEEN GIVEN AS PROVIDED FOR IN SUBSECTION 4 OF THIS SECTION FOR WHICH A SUFFICIENT REFERENDUM PETITION WAS NOT FILED WITHIN THE TIME LIMIT STATED IN SUCH NOTICE OR WHICH RECEIVED VOTER APPROVAL AFTER THE FILING OF SUCH PETITION;
   6. RESOLUTIONS DIRECTING THE CLERK TO CAUSE MEASURES TO BE SUBMITTED TO A VOTE OF THE PEOPLE AT A SPECIAL ELECTION AS PROVIDED IN SECTION 1-1011 SUBSECTION C AND IN SECTION 1-1013 SUBSECTION A; AND
   7. RESOLUTIONS ORDERING AN EARLIER EFFECTIVE DATE FOR MEASURES ENACTED BY INITIATIVE AS PROVIDED IN SECTION 1-1011 SUBSECTION E.

THE FOLLOWING MEASURES SHALL BE SUBJECT TO LIMITED REFERENDUM;

1. MEASURES IN FURTHERANCE OF A POLICY OF THE MUNICIPALITY OR RELATING TO PROJECTS PREVIOUSLY APPROVED BY A MEASURE WHICH WAS SUBJECT TO REFERENDUM OR WHICH WAS ENACTED BY INITIATIVE OR HAS BEEN APPROVED BY THE VOTERS AT AN ELECTION, EXCEPT THAT SUCH MEASURES SHALL NOT BE SUBJECT TO REFERENDUM OR LIMITED REFERENDUM FOR A PERIOD OF ONE YEAR AFTER ANY SUCH POLICY OR PROJECT WAS APPROVED AT A REFERENDUM ELECTION, ENACTED BY INITIATIVE, OR APPROVED BY VOTERS AT AN ELECTION:
2. MEASURES RELATING TO THE ACQUISTION, CONSTRUCTION, INSTALLATION, IMPROVEMENT, OR ENLARGEMENT, INCLUDING THE FINANCING OR REFINANCING OF THE COSTS OF PUBLIC WAYS, PUBLIC PROPERTY, UTILITY SYSTEMS, AND OTHER CAPITAL PROJECTS, AND MEASURES GIVING INITIAL APPROVAL FOR INDUSTRIAL DEVELOPMENT PROJECTS; AND
3. MEASURES SETTING UTILITY SYSTEM RATES AND CHARGES, EXCEPT FOR MEASURES NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS PROVIDED FOR IN PREVIOUSLY ISSUED BONDS, NOTES, WARRANTS, OR OTHER EVIDENCES OF INDEBTEDNESS, AND PAY RATES AND SALARIES FOR MUNICIPAL EMPLOYEES OTHER THAN THE MEMBERS OF THE GOVERNING BODY AND THE EXECUTIVE OFFICER.

MEASURES SUBJECT TO LIMITED REFERENDUM SHALL ORDINARILY TAKE EFFECT 30 DAYS AFTER THEIR PASSAGE BY THE GOVERNING BODY, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY. REFERENDUM PETITIONS DIRECTED AT MEASURES SUBJECT TO LIMITED REFERENDUM SHALL BE FILED FOR SIGNATURE VERIFICATION PURSUANT TO SECTION 1-006 WITHIN 30 DAYS AFTER SUCH MEASURE’S PASSAGE BY THE GOVERNING BODY, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, OR AFTER NOTICE IS FIRST PUBLISHED PURSUANT TO SUBDIVISION 4 ( C ) OF THIS SECTION. IF THE NECESSARY NUMBER OF SIGNAURES AS PROVIDED IN SECTION 1-1011 HAS BEEN OBTAINED WITHIN THE TIME LIMITATION, THE EFFECTIVENESS OF THE MEASURE SHALL BE SUSPENDED UNLESS APPROVED BY THE VOTERS.

4. FOR ANY MEASURE RELATING TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, IMPROVEMENT, OR ENLARGEMENT OF PUBLIC WAYS, PUBLIC PROPERTY, UTILITY SYSTEMS, OR OTHER CAPITOL PROJECTS, A MUNICIPALITY MAY EXEMPT ALL SUBSEQUENT MEASURES RELATING TO THE SAME PROJECT FROM THE REFERENDUM AND LIMITED REFERENDUM PROCEDURES PROVIDED FOR IN THIS ARTICLE BY THE FOLLOWING PROCEDURE:

A. BY HOLDING A PUBLIC HEARING ON THE PROJECT, THE TIME AND PLACE OF SUCH HEARING BEING PUBLISHED AT LEAST ONCE NOT LESS THAN 5 DAYS PRIOR TO THE DATE SET FOR HEARING IN A NEWSPAPER OR GENERAL CIRCULATION WITHIN THE GOVERNING BODY’S JURISDICTION;

B. BY PASSAGE OF A MEASURE APPROVING THE PROJECT, INCLUDING AN OVERRIDE OF A VETO, IF NECESSARY, AT A MEETING HELD ON ANY DATE SUBSEQUENT TO THE DATE OF HEARING; AND

C. AFTER PASSAGE OF SUCH MEASURE, INCLUDING AN OVERRIDE OF A VETO, IF NECESSARY, BY GIVING NOTICE AS FOLLOWS:

I. FOR THOSE PROJECTS FOR WHICH APPLICABLE STATUTES REQURING AN ORDINANCE OR RESOLUTION OF NECESSITY, CREATING A DISTRICT OR OTHERWIDE ESTABLISHING THE PROJECT, NOTICE SHALL BE GIVEN FOR SUCH PROJECT BY INCLUDING EITHER AS PART OF ANY PUBLICIZED NOTICE CONCERNING SUCH ORDINANCE OR RESOLUTION A STATEMENT THAT THE PROJECT AS DESCRIBED IN THE ORDINANCE OR RESOLUTION IS SUBJECT TO LIMITED REFERENDUM FOR A PERIOD OF 30 DAYS AFTER THE 1ST PUBLICATION OF SUCH NOTICE AND THAT, AFTER SUCH 30 DAY PERIOD, THE PROJECT AD MEASURES RELATED TO IT WILL NOT BE SUBJECT TO ANY FURTHER RIGHT OF REFERENDUM; AND

II. FOR PROJECTS FOR WHICH APPLICABLE STATUTES DO NOT REQUIRE AN ORDINANCE OR RESOLUTION OF NECESSITY, NOTICE SHALL BE GIVEN BY PUBLICATION OF A NOTICE CONCERNING SUCH PROJECTS STATING IN GENERAL TERMS THE NATURE OF THE PROJECTS STATING IN GENERAL TERMS THE NATURE OF THE PROJECT AND THE ENGINEER’S ESTIMATE OF COSTS OF SUCH PROJECT AND STATING THAT THE PROJECT DESCRIBED IN THE NOTICE IS SUBJECT TO LIMITED REFERENDUM FOR A PERIOD OF 30 DAYS AFTER THE 1ST PUBLICATION OF SUCH NOTICE AND THAT AFTER SUCH 30 DAY PERIOD, THE PROJECT AND MEASURES RELATED TO IT WILL NOT BE SUBJECT TO ANY FURTHER RIGHT OF REFERENDUM. THE NOTICE REQUIRED BY THIS SUBDIVISION SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MUNICIPALITY AND SHALL BE PUBLISHED NOT LATER THAN 15 DAYS AFTER PASSAGE BY THE GOVERNING BODY, INCLUDING AN OVERRIDE OF A VETO, IF NECESSARY, OF A MEASURE APPROVING THE PROJECT. THE RIGHT TO HOLD SUCH A HEARING PRIOR TO THE PASSAGE OF THE MEASURE BY THE GOVERNING BODY TO OBTAIN EXEMPTION FOR ANY PARTICULAR PROJECT IN A MANNER DESCRIBED IN THIS SUBSECTION IS OPTIONAL AND THE MUNICIPALITY SHALL NOT BE REQUIRED TO HOLD SUCH A HEARING OR GIVE SUCH NOTICE FOR ANY PARTICULAR PROJECT.

1. ALL MEASURES, EXCEPT AS PROVIDED IN SUBSECTION 1, 2, AND 4 OF THIS SECTION, SHALL BE SUBJECT TO THE REFERENDUM PROCEDURE AT ANY TIME AFTER SUCH MEASURE HAS BEEN PASSED BY THE GOVERNING BODY, INCLUDING AN OVERRIDE OF A VETO, IF NECESSARY, OR ENACTED BY THE VOTERS OF INITIATIVE. (REF. 18-2527, 18-2528 R.S. NEB.)
   1. **INITIATIVE AND REFERENDUM; REFERENDUM, PASSAGE.**

A.WHENEVER A REFERENDUM PETITION BEARING SIGNATURES EQUAL IN NUMBER TO AT LEAST 15% OF THE QUALIFIED ELECTORS OF THE MUNICIPALITY HAS BEEN FILED WITH THE CLERK AND VERIFIED PURSUANT TO SECTION 1-1006, IT SHALL BE THE DUTY OF THE GOVERNING BODY TO RECONSIDER THE MEASURE OR PORTION OF THE GOVERNING BODY FAILS TO REPEAL OR AMEND THE MEASURE OR PORTION THEREOF IN THE MANNER PROPOSED BY THE REFERENDUM, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, WITHIN 30 DAYS FROM THE DATE THE GOVERNING BODY RECEIVES NOTIFICATION PURSUANT TO SECTION 1-1006, THE CLERK SHALL CAUSE THE MEASURE TO BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION HELD WITHIN THE MUNICIPALITY. IF THE GOVERNING BODY DESIRES TO SUBMIT THE MEASURE TO A VOTE OF THE PEOPLE AT A SPECIAL ELECTION PRIOR TO THE NEXT REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION HELD WITHIN THE MUNICIPALITY, THE GOVERNING BODY SHALL, BY RESOLUTION, DIRECT THE CLERK TO CAUSE THE MEASURE TO BE SUBMITTED AT A SPECIAL ELECTION. SUCH RESOLUTION SHALL NOT BE SUBJECT TO REFERENDUM OR LIMITED REFERENDUM.

B. WHENEVER A REFERENDUM PETITION BEARING SIGNATURES EQUAL IN NUMBER TO AT LEAST 20% OF THE QUALIFIED VOTERS OF THE MUNICIPALITY WHICH REQUESTS THAT A SPECIAL ELECTION BE CALLED TO SUBMIT THE REFERENDUM MEASURE TO A VOTE OF THE PEOPLE, HAS BEEN FILED WITH THE CLERK AND VERIFIED, IT SHALL BE THE DUTY OF THE GOVERNING BODY TO RECONSIDER THE MEASURE OR PORTION OF SUCH MEASURE WHICH IS THE OBJECT OF THE REFERENDUM. IF THE GOVERNING BODY FAILS TO REPEAL OR AMEND THE MEASURE OR PORTION THEREOF, IN THE MANNER PROPOSED BY THE REFERENDUM, INCLUDING AN OVERRIDE OF ANY VETO, IF NECESSARY, THE CLERK SHALL CAUSE THE MEASURE TO BE SUBMITTED TO A VOTE OF THE PEOPLE AT A SPECIAL ELECTION CALLED FOR SUCH PURPOSE WITHIN 30 DAYS FROM THE DATE THE GOVERNING BODY RECEIVED NOTIFICATION. THE DATE OF SUCH SPECIAL ELECTION SHALL NOT BE LESS THAN 30 NOR MORE THAN 60 DAYS FROM THE DATE THE GOVERNING BODY RECEIVED NOTIFICATION.

C. IF A MAJORITY OF THE ELECTORS VOTING ON THE REFERENDUM MEASURE SHALL VOTE IN FAVOR OF SUCH MEASURE, THE LAW SUBJECT TO THER REFERENDUM SHALL BE REPEALED OR AMENEDED. A MEASURE REPEALED OR AMENDED BY REFERENDUM SHALL NOT BE REENACTED OR RETURNED TO ITS ORIGINAL FORM EXCEPT BY A 2/3 MAJORITY OF THE MEMBERS OF THE GOVERNING BODY. NO SUCH ATTEMPT TO REENACT OR RETURN THE MEASURE TO ITS ORIGINAL FORM SHALL BE MADE WITHIN ONE YEAR OF THE REPEAL OR AMENDMENT OF THE MEASURE BY THE ELECTORS. IF THE REFERENDUM MEASURE DOES NOT RECEIVE A MAJORITY VOTE, THE ORDINANCE SHALL IMMEDIATELY BECOME EFFECTIVE OR REMAIN IN EFFECT. (REF. 18-2529 THRU 18-2531 R.S. NEB.)

1-1014 **INITIATIVE AND REFERENDUM; VIOLATION, PENALITES.**

A. WHOEVER KNOWINGLY OR WILLFILLY MAKES A FALSE AFFIDAVIT OR TAKES A FALSE OATH REGARDING QUALIFICATIONS OF ANY PERSON TO SIGN PETITIONS UNDER SECTIONS 18-2501 THROUGH 18-2531 R.S. NEB. SHALL BE GUILTY OF A CLASS I MISDEMEANOR WITH A LIMIT OF $300.00 ON THE FINE.

B. WHOEVER FALSELY MAKES OR WILLFULLY DESTROYS A PETITION OR ANY PART THEREOF, OR SIGNS A FALSE NAME THERETO, OR SIGNS OR FILES ANY PETITION KNOWING THE SAME OR ANY PART THEREOF TO BE FALSELY MADE, OR SUPPRESSES ANY PETITION, OR ANY PART THEREOF, WHICH HAS BEEN DULY FILED PURSUANT TO SECTIONS 18-2501 THROUGH 18-2531 R.S. NEB SHALL BE GUILTY OF A CLASS I MISDEMEANOR WITH A LIMIT OF $500.00 DOLLARS ON THE FINE.

C. WHOEVER SIGNS ANY PETITION UNDER SECTIONS 18-2501 THROUGH 18-2531 R.S. NEB. KNOWING THAT HE OR SHE IS NOT A REGISTERED VOTER IN THE PLACE WHERE SUCH PETITION IS MADE, AIDS OR ABETS ANY OTHER PERSON IN DOING ANY OF THE ACTS MENTIONED IN THIS SECTION, BRIBES OR GIVES OR PAYS ANY MONEY OR THING OF VALUE TO ANY PERSON DIRECTLY OR INDIRECTLY TO INDUCE HIM OR HER TO SIGN SUCH PETITION, OR ENGAGES IN ANY DECEPTIVE PRACTICE INTENDED TO INDUCE ANY PERSON TO SIGN A PETITION, SHALL BE GUILTY OF A CLASS I MISDEMEANOR WITH A LIMIT OF $300.00 ON THE FINE.

D. ANY CLERK WHO WILLFULLY REFUSES TO COMPLY WITH THE PROVISIONS OF SECTIONS 18-2501 THROUGH 18-2531 R.S. NEB. OR WHO WILLFULLY CAUSES UNREASONABLE DELAY IN THE EXECUTION OF HIS OR HER DUTIES UNDER SUCH SECTIONS SHALL BE GUILTY OF A CLASS I MISDEMEANOR BUT IMPRISONMENT SHALL NOT BE INCLUDED AS PART OF THE PUNISHMENT. (REF. 18-2532 THRU 18-2535 R.S. NEB.)

1-1106 **INITIATIVE AND REFERENDUM; PETITONS, NOTIFICATION**.

A. SIGNED PETITIONS SHALL BE FILED WITH THE CLERK FOR SIGNATURE VERIFICATION. UPON THE FILING OF A PETITION, AND PASSAGE OF A RESOLUTION BY THE GOVERNING BODY, THE MUNICIPALITY AND THE COUNTY CLERK OR ELECTION COMMISIONER SHALL ASCERTAIN WHETHER THE PETITION IS SIGNED BY THE REQUISITE NUMBER OF VOTERS. THE MUNICIPALITY SHALL REIMBURSE THE COUNTY FOR ANY COSTS INCURRED BY THE COUNTY CLERK OR ELECTION COMMISSIONER. WHEN THE VERIFYING OFFICIAL HAS DETERMINED THAT 100% OF THE NECESSARY SIGNATURES REQUIRED BY THIS ARTICLE HAVE BEEN OBTAINED, HE OR SHE SHALL NOTIFY THE GOVERNING BODY OF THAT FACT, AND SHALL IMMEDITELY FORWARD TO THE GOVERNING BODY A COPY OF THE PETITION.

B. IN ORDER FOR AN INITIATIVE OR REFERENDUM PROPOSAL TO BE SUBMITTED TO THE GOVERNING BODY AND THE VOTERS, THE NECESSARY SIGNATURES SHALL BE ON FILE WITH THE CLERK WITHIN 6 MONTHS FROM THE DATE THE PROSPECTIVE PETITION WAS AUTHORIZED FOR CIRCULATION. IF THE NECESSARY SIGNATURES ARE NOT OBTAINED BY SUCH DATE, THE PETITION SHALL BE VOID. (REF. LB 807, 7/17/82)

1-1107 **INITIATIVE AND REFERENDUM; FREQUENCY OF OCCURRENCE**. THE SAME MEASURE, EITHER IN FORM OR IN ESSENTIAL SUBSTANCE, MAY NOT BE SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION, EITHER AFFIRMATIVELY OR NEGATIVELY, MORE OFTEN THAN ONCE EVERY TWO YEARS. NO ATTEMPT TO REPEAL OR ALTER AN EXISTING MEASURE OR PORTION OF SUCH MEASURE BY REFERENDUM PETITION MAY BE MADE WITHIN TWO YEARS FROM THE LAST ATTEMPT TO DO THE SAME. SUCH PROHIBITION SHALL APPLY ONLY WHEN THE SUBSEQUENT ATTEMPT TO REPEAL OR ALTER IS DESIGNED TO ACCOMPLISH THE SAME, OR ESSENTIALLY THE SAME PURPOSE AS THE PREVIOUS ATTEMPT.

1-1100 **INTERGOVERNMENTAL RISK MANAGEMENT; AUTHORITY**. THE GOVERNING BODY AND ANY ONE OR MORE PUBLIC AGENCIES, AS DEFINED IN SECTION 44-4303 R.S. NEB., MAY MAKE AND EXECUTE AN AGREEMENT PROVIDING FOR JOINT AND COOPERATIVE ACTION IN ACCORDANCE WITH SECTIONS 44-4301 THROUGH 44-4339 R.S. NEB., TO FORM, BECOME MEMBERS OF, AND OPERATE A RISK MANAGEMENT POOL FOR THE PURPOSE OF PROVIDING TO MEMBERS RISK MANAGEMENT SERVICES AND INSURANCE COVERAGES IN THE FORM OF GROUP SELF-INSUREANCE AND STANDARD INSURANCE, TO PROTECT MEMBERS AGAINST LOSSES ARISING FROM ANY OF THE FOLLOWING:

1. GENERAL LIABILITY;

2. DAMAGE, DESTRUCTION, OR LOSS OF REAL OR PERSONAL PROPERTY, INCLUDING BUT NOT LIMITED TO, LOSS OF USE OF OCCUPANCY, AND LOSS OF INCOM OR EXTRA EXPENSE RESULTING FROM LOSS OF USE OR OCCUPANCY;

3. ERRORS AND OMISSIONS LIABILITY; AND

4. WORKERS’ COMPENSATION LIABILTY. (REF. 44-4301 THROUGH 44-4339 R.S. NEB.)

1-1115 **INITIATIVE AND REFERENDUM; APPLICABILITY.** THE PROVISIONS OF THE STATUES OF THE STATE OF NEBRASKA RELATING TO ELECTION OFFICERS, VOTING PLACES, ELECTION APPARATUS AND BLANKS, PREPARATION AND FORM OF BALLOTS, INFORMATION TO VOTERS, DELIVERY OF BALLOTS, CALLING OF ELECTIONS, CONDUCT OF ELECTIONS, MANNER OF VOTING, COUNTING OF VOTES, RECORDS AND CERTIFICATES OF ELECTION, AND RECOUNTS OF VOTES, SO FAR AS APPLICABLE, SHALL APPLY TO VOTING ON ORDINANCES BY THE ELECTORS PURSUANT TO THIS ARTICLE.

NOTHING IN THIS ARTICLE SHALL APPLY TO PROCEDURES FOR INITIATIVES OR REFERENDUMS PROVIDED IN NEBRASKA REVISED STATUES SECTIONS 18-412 AND 18-412.02 RELATING TO MUNICIPAL LIGHT AND POWER PLANTS, SECTIONS 70-504, 70-650.01 AND 70-650.02, RELATING TO PUBLIC POWER DISTRICTS, AND SECTIONS 80-203 TO 80-205 RELATING TO SOLDIERS AND SAILORS MONUMENTS. (REF. LB 807, 7/17/82)