

**Chapter 1**

**ADMINISTRATIVE**

**Article 1. Elected Officials**

**§1-101**        **CITY MAYOR; SELECTION AND DUTIES.** The Mayor of the Municipality shall have the general and immediate control over all property, and officials, whether elected, or appointed, of the Municipality. He shall preside at all meetings of the City Council, and shall have the right to vote only when his vote shall be decisive on any pending matter. His signature must appear on the Municipal Clerk's minutes of all meetings, and he must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; Provided, any ordinance vetoed by the Mayor may be passed over his veto by a two-thirds (2/3) vote by the members of the City Council, but if the Mayor refuses to sign any ordinance, and returns it to the Council with his objections, the said unsigned ordinance would then become law without his signature at the time of the next meeting of the Council. He shall from time to time communicate to the Council such information and recommendations as, in his opinion, may improve the Municipality. He may require at reasonable intervals any Municipal official to exhibit his accounts and make reports to the Council on any subject pertaining to his office. He shall have the power to remit fines or pardon any offense arising under the ordinances of the Municipality. He shall have the authority to call on every male inhabitant of the Municipality over eighteen (18) years of age and under the age of fifty (50) years to aid in enforcing the laws. He may remove at any time an appointed police officer of the Municipality. His territorial authority shall extend over all places within five (5) miles of the corporate limits of the Municipality for the enforcement of any health ordinance, and one half (½) mile in all matters vested in him except taxation. He shall also have such other duties as the City Council may by resolution confer upon him, or in any other matters which the laws of the State of Nebraska repose in him. He shall be elected at the Municipal Election, and shall serve a four (4) year term of office. Any candidate for Mayor must have resided within the Municipality for forty (40) days prior to filing for the said office and must in addition be a qualified taxpayer. *(Ref. 17-110 thru 17-117 RS Neb.)*

**§1-102**        **CITY COUNCIL; ACTING PRESIDENT.** The City Council shall elect one (1) of its own body each year who shall be styled the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor, and the President of the Council, the City Council shall elect one (1) of its own body to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council, and all acts of the President of the Council, or Acting President of the Council, while so acting, shall be as binding upon the City Council, and upon the Municipality as if done by the elected Mayor. *(Ref. 17-148 RS Neb.)*

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

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as are necessary and appropriate in the exercise of these functions. *(Ref. 17-103, 17-104 RS Neb.)*

**§1-104 CITY COUNCIL; ORGANIZATION.** City Council members of this Municipality shall take office, and commence their duties on the first regular meeting in December following their election. The newly elected Council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter prescribed and perfect the reorganization of the City Council as herein provided, and all appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the Municipal Clerk shall report to the City Council the names of all City Councilmembers-elect who have qualified for their respective offices, and this report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the Municipality shall be represented by at least two (2) Councilmembers. No person shall be eligible who is not at the time of his election an actual resident of the ward for which he is qualified and should any City Councilmember move from the ward from which he was elected, his office shall thereby become vacant. *(Ref. 17-104, 17-107.01, 19-613 RS Neb.) (Amended by Ord. No. 454, 12/1/77)*

**§1-105 ELECTED OFFICIALS; VACANCY.** Whenever a vacancy occurs in an elected office of the Municipality, except Mayor, notice of said vacancy shall be presented in writing to the City Council at a regular meeting and said notice shall appear as a part of the minutes of such meeting.

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

The Mayor shall within two (2) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the City Council, at which time the Mayor shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. Upon a majority vote of approval by the City Council the vacancy shall be filled.

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

The Mayor shall cast his vote only in case of a tie vote of the City Council.

All City Council members shall cast a ballot for or against each nominee. *(Ref. 32-4, 152 RS Neb.) (Amended by Ord. No. 421, 3/4/76)*

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

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

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office of Mayor until such vacancy is filled. If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in Section 1-105. *(Ref. 17-107, 17-115 RS Neb.)(Ord. No. 421, 3/4/76)*

**Article 2. Appointed Officials**

**§1-201**        **APPOINTED OFFICIALS; MERGER OF OFFICES.** The Governing Body of the Municipality may, in its discretion, by ordinance combine, and merge any elective, or appointive office, or employment, except the Mayor or a City Councilmember with any other elective, or appointive office so that one or more of such offices may be held by the officer or employee at the same time; provided, the offices so merged, and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. (*Ref. 17-108.02 RS Neb.*)

**§1-202**        **APPOINTED OFFICIALS; MUNICIPAL CLERK.** The Municipal Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. He or she shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He or she shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his or her office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He or she shall file all official bonds after the same shall have been properly executed, and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

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

The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept, and preserved in his or her office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions, and ordinances relating to the same. He or she shall endorse the date, and hour of filing upon every paper, or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate, and complete account of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds, and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

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The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions, and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk shall prepare, and publish the official proceedings of the Governing Body in a legal newspaper of general circulation in the Municipality, and which was duly designated as such by the Governing Body. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one (1) item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He or she shall then keep in a book with a proper index, copies of all notices required to be published, or posted by the Municipal Clerk by order of the Governing Body, or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only.

The Municipal Clerk shall receive all objections to creation of paving districts, and other street improvements. He or she shall receive the claims of any person against the Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk shall notify such claimant, his or her agent, or attorney by letter within five (5) days after such disallowance, and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

The Municipal Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Governing Body. He or she shall destroy Municipal records under the direction of the State Records Board pursuant to sections 84-1201 through 84-1220; provided, the Governing Body shall not have the authority to destroy the minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. *(Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.) (Amended by Ord. Nos. 455, 12/1/77; 630, 5/10/93)*

**§1-203 APPOINTED OFFICIALS; MUNICIPAL TREASURER.** The Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He shall keep all money belonging to the Municipality separate, and distinct from his own money. He shall keep a separate account of each fund or appropriation, and the debits, and credits belonging thereto. He shall issue duplicate (2) receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury, a receipt therefor, specifying the date of payment, and the account paid. One (1) of the receipts shall be filed with his monthly report, and the last copy of the said receipt shall be kept on file in his office. His books, and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit,

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warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him, by writing, or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily, and he shall adopt such bookkeeping methods as the Governing Body shall prescribe. He shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing Body. (*Ref 17-606 through 17-609, 84-712 RS Neb.*)

**§1-204**        **APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.** The Municipal Treasurer shall at the end of each, and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by him. He shall also produce depository evidence that all Municipal money is in a solvent and going bank in the name of the Municipality. If the Municipal Treasurer shall neglect, or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time he shall read, and file his monthly report. (*Ref. 17-606 RS Neb.*)

**§1-205**        **APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT.** The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the first (1st) day of August of each year, a report of the activities of his office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the debit, or credit balance of the Municipality. (*Ref. 19-1101 RS Neb.*)

**§1-206**        **APPOINTED OFFICIALS; MUNICIPAL ATTORNEY.** The Municipal Attorney is the Municipality's legal advisor, and as such he shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body, and shall advise any Municipal official all matters of law in which the interests of the Municipality may be involved. He shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Governing Body will be required to act, and attach thereto a brief statement in writing to all such instruments, and documents as to whether, or not, the document is in legal, and proper form. He shall prepare complaints, attend, and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he shall appear, and prosecute all cases for violation of the Municipal ordinances that have been appealed to, and are pending in any higher court. He shall also examine, when requested to do so by the Governing Body, the

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ordinance records, and advise, and assist the Municipal Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage, and approval are concerned. The Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. *(Ref. 17-610 RS Neb.)*

**§1-207**      **APPOINTED OFFICIALS; MUNICIPAL PHYSICIAN.** The Municipal Physician shall be a member of the Board of Health of the Municipality, and perform the duties devolving upon him as the medical advisor of the said board. In all injuries where a liability may be asserted against the Municipality, the Municipal Physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He shall then report the results of his investigation with the name of the party injured, and all other persons who may have personal knowledge of the matter. He shall make all physical examinations, and necessary laboratory tests incident thereto, and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property, and the state of health of the inhabitants therein, he shall have the right at all reasonable hours to go upon, and enter all premises, buildings, or other structures in the Municipality. He shall perform such other duties as may be required of him by the laws of the State of Nebraska, and the ordinances of the Municipality. When ordered to do so by the Governing Body he shall disinfect, or fumigate the premises, or persons in or about the premises, when the premises are quarantined, and to call upon indigent sick persons, and perform other professional services at the direction of the Governing Body. The Municipal Physician shall receive as compensation for his services such sum as the Governing Body may from time to time set by resolution. He shall receive no compensation for his services as a member of the Municipal Board of Health. *(Ref 17-121 RS Neb.)*

**§1-208**      **APPOINTED OFFICIALS; MUNICIPAL POLICE CHIEF.** The Municipal Police Chief shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector, and Building Inspector, except in the event the Municipality appoints another person. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances, and shall make all necessary reports required by the Municipal ordinances, or the laws of the State of Nebraska. *(Ref 17-107, 17-121 RS Neb.)*

**§1-209**      **APPOINTED OFFICIALS: MUNICIPAL POLICEMAN.** The Municipal Police, whether regular, or special shall have the power to arrest all offenders against the laws of the State of Nebraska, or the Municipality, by day or by night, and keep the said offenders in the Municipal jail, or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska, or the Municipality. They shall have full power, and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect, or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every Municipal Policeman shall be expected to be conversant, and knowledgeable with the Municipal and State laws. Municipal Policemen shall have the duty to file such complaints and reports as

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may be required by the Municipal ordinances, and the laws of the State of Nebraska. Any Municipal Policeman who shall willfully fail, neglect, or refuse to make an arrest or who purposely, and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the Governing Body to retain any Municipal Policeman in that position after he shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska, or any ordinance of the Municipality, except minor traffic violations. It shall be the duty of every Municipal Policeman making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the Municipal Police by the Municipality. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he shall immediately deliver his badge to the Police Chief. The Governing Body may from time to time provide the Municipal Police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. *(Ref. 17-118, 17-124, RS Neb.)*

**§1-210 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.** The Municipal Fire Chief shall be elected by the members of the Fire Department. He shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall, on or before the first (1st) day in April and October of each year, cause the secretary to file with the Municipal Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief, or his assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards, and related dangers. *(Ref. 17-147, 17-505, 35-102, 35-108, 81-506, 81-512 RS Neb.) (Amended by Ord. No. 423, 4/5/76)*

**§1-211 APPOINTED OFFICIALS; MUNICIPAL ENGINEER.** The Municipal Engineer shall make all surveys, estimates, and calculations necessary to be made for the establishment of any public utilities, and the costs of labor and materials therefor. He shall accurately make all plats, sections, and maps as may be necessary under the direction of the Governing Body. Upon request, he shall make estimates of the cost of labor and material and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, building of culverts and for the building,

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constructing, or if repairing of any public improvement of the Municipality. Upon the request of the Governing Body, he shall inspect all works of public improvement, and if found to be properly done, shall accept the same, and report his acceptance to the Governing Body. He shall estimate the cost of all proposed Municipal utilities and public improvements, together with any extensions thereof, which the Governing Body may propose to construct or improve. He shall also perform such other duties in the line of his work as may be requested by the Governing Body. (*Ref. 17-150, 17-405, 17-568.01, 17-919, 81-839 RS Neb.*)

**§1-212      APPOINTED OFFICIALS; MUNICIPAL STREET SUPERINTENDENT.** The Municipal Street Superintendent shall, subject to the orders and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Municipality, and shall perform such 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 Municipality, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Municipality along with an estimate 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 removed at any time by a two-thirds (2/3) vote of the Governing. (*Ref 17-107, 17-119, RS Neb.*)

**§1-213      APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT.** A Utilities Superintendent shall be appointed in the event that there is more than one Municipal utility, and the Governing Body determines that it is in the best interest of the Municipality to appoint one official to have the immediate control over all the said Municipal utilities. The Utilities Superintendent may be removed for good cause by two-thirds (2/3) vote of the Governing Body and any vacancy occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all Municipal officials. (*Ref 17-541 RS Neb.*)

**§1-214      APPOINTED OFFICIALS; MUNICIPAL BUILDING INSPECTOR.** The Municipal Building Inspector shall conduct surveys and make inspections in any area of the Municipality to determine whether all buildings and structures are in compliance with the Municipal ordinances. He shall investigate all complaints whether they are verbal, written, or in the form of a petition alleging, and charging that a violation of the Municipal ordinances exists, and that a building, or structure is unfit, or unsafe for human habitation. The Building Inspector is authorized upon properly identifying himself to enter, inspect, survey, and investigate between the hours of eight (8:00) o'clock AM., and five (5:00) o'clock P.M., or at any time if an emergency exists, or if requested by the owner, or occupant thereof. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection, and he shall prepare an annual report including statistics based on the records kept. The Building Inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for

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any said dealer, or as an agent for the sale, lease, or rental of any real estate. The Building Inspector shall report to the Governing Body as often as they may deem necessary, and shall have such other duties, and issue such permits as they may direct. The Building Inspector may be removed at any time for good, and sufficient cause by the Governing Body. In the event no individual is specifically appointed to be Building Inspector, the Utilities Superintendent shall be the ex officio Building Inspector.

**§1-215      APPOINTED OFFICIALS; ZONING INSPECTOR.** The Mayor may appoint a Zoning Inspector. In the absence of a specific appointment by the Mayor, the Utilities Superintendent is hereby designated as Zoning Inspector.

**§1-216      APPOINTED OFFICIALS; CITY ADMINISTRATOR.**

(1) *Creation of Office.* There is hereby created and established the part time office of City Administrator. The purpose of the part time office of City Administrator is to advise and perform the duties given to him or her from time to time by the Mayor and City Council.

(2) *Powers and Duties.* The part-time City Administrator shall have all duties given to him or her by the Mayor and City Council including but not limited to:

(a) To attend all meetings of the City Council with the duty of reporting any matter concerning City affairs under his or her supervision and direction; and to attend such other meetings of departments and officials as his or her duties may require, or as may be directed by the Mayor and Council.

(b) To make investigations into all of the affairs of the City and to make recommendations to the Mayor and Council for the adoption of such measures and ordinances as are deemed necessary or expedient for the good government of the City.

(c) To faithfully carry out the directives and recommendations of the Mayor and Council.

(d) To collect end record inventories from the department heads of the City of all real and personal property and other public property that the City owns or has an interest in.

(e) To keep the Mayor and Council fully advised as to the financial condition of the City and its needs, and he or she shall be responsible for the preparation of the annual estimates of revenues and expenditures of a proposed budget for the presentation of a complete financial plan for the City to the Mayor and Council prior to the consideration and adoption of the annual appropriations ordinance by the Governing Body.

(f) To prepare and submit to the Mayor and Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(g) To serve as a public relations officer of the City government.

(h) To perform such other duties and exercise such other powers as may be required by ordinance, resolution or as directed by the Mayor and Council.

(i) The part time City Administrator shall work with in the policies set forth by the Mayor and Council. The part time City Administrator shall deal with the Mayor and Council as a body. All official City affairs and all reports shall be provided to the Mayor and Council.

(3) *Appointment and Removal.* The part time City Administrator shall be appointed by the Mayor with the approval of a majority of the elected members of the Council. He or

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she shall serve for periods of one (1) year for a term corresponding to the terms of the other appointed officials of the City. He or she may be removed at anytime upon notice given by the Mayor and with the approval of a majority of the elected members of the Council.

(4) *Qualifications.* The part time City Administrator shall be chosen solely on the basis of his or her executive and administrative qualifications and with special reference to his or her actual experience, or his or her knowledge of, accepted practice in respect to the duties of his or her office. At the time of his or her appointment he or she need not be a resident of the City, but during the term of office he or she shall reside in the City.

(5) *Compensation.* The salary of the part time City Administrator shall be fixed by ordinance of the Mayor and Council, from time to time, but shall start at the rate of seven hundred fifty (\$750.00) dollars per month. (*Ord. No. 685, 9/10/98*)

**Article 3. Bonds and Oath**

**§1-301 BONDS; FORM.** Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution; Provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Municipality. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body, and all sureties are endorsed in writing on the said instrument by the Mayor and Municipal Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records, and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond, or additional sureties to the satisfaction, and approval of the Governing Body then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Governing Body to appoint a competent, and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. *(Ref 11-103 thru 11-118, 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 solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of....., according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that

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advocates the overthrow of the government of the United States or of this State by force, or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."

*(Ref. 11-101 RS Neb.)*

**Article 4. Corporate Seal**

**§1-401**      **SEAL; OFFICIAL CORPORATE.** The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription. "Seal, City of Bridgeport, Morrill 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

**§1-501**        **MEETINGS; PUBLIC.** All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Mayor if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four (24) hours before the scheduled commencement of the meeting or (b) forty-eight (48) hours before the scheduled commencement of a meeting of the Governing Body scheduled outside the corporate limits of the Municipality. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. (*Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.*) (*Amended by Ord. Nos. 540, 10/6/83; 590, 11/5/87*)

**§1-502**        **MEETINGS; GOVERNING BODY.** The meetings of the Governing Body shall be held in the meeting place of the Municipality. Regular meetings shall be held on Thursday of the first (1st) full week of each month at the hour of seven (7:00) o'clock P.M. Special meetings may be called by the Mayor, or by three (3) members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the City Council are present and consent thereto. On filing the call for a special meeting, the Municipal Clerk shall notify the Councilmembers of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Councilmember known to be out of the state, or physically unable to be present. Two-thirds (2/3) of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided, that on the request of any two (2) 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

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quorum is present the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Councilmembers shall elect a President pro tempore. *(Ref. 17-105, 17-106 RS Neb.)(Amended by Ord. No. 459, 7/6/78)*

**§1-503**        **MEETINGS; ORDER OF BUSINESS.** All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk, the Mayor, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

**§1-504**        **MEETINGS; PARLIAMENTARY PROCEDURE.** The Mayor shall preserve order during meetings of the Governing Body and shall decide all questions of order, subject to an appeal to the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Mayor is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine himself to the question. When two (2), or more persons rise at once, the Mayor shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Governing Body. Every member of the Governing Body who is present when a question is voted upon, shall cast his vote unless excused by a majority of the Governing Body present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the Mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Governing Body making the motion, or resolution shall be entered also. After each vote, the "Yeas" and "Nays" shall be taken, and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Governing Body seconding the said resolution, motion, or ordinance. When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Governing Body for meetings may be suspended by a two-thirds (2/3) vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Governing Body shall decide all procedural disputes that may arise.

**§1-505**        **MEETINGS; CHANGE IN OFFICE.** The change in office shall be made as follows: The Mayor and Council shall meet on the first regular meeting date in December of each year in which a Municipal election is held and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old

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Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers, and moneys, belonging to the same. (*Ref. 17-107.02 (9) RS Neb.*)

**§1-506**        **MEETINGS; ORGANIZATIONAL.** The newly elected Council shall convene at the regular place of meeting in the City on the first (1st) regular meeting in December of each year in which a Municipal election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The Mayor shall then nominate his candidates for appointive offices. He shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council, or his or her successor in office, and of each officer elected to any office, to qualify prior to the first (1st) regular meeting in December following his election. All appointive officers shall qualify within two (2) weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the Municipality and to perform faithfully and impartially the duties of his office, said oath to be filed in the office of the Municipal Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Municipal Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his office, with the oath endorsed thereon. (*Amended by Ord. No. 454, 12/1/77*)

**§1-507**        **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.*) (*Ord. No. 453, 12/1/77*) (*Amended by Ord. No. 540, 10/6/83*)

**§1-508**        **MEETINGS; PUBLIC BODY DEFINED.** Public Body as used in this Article shall mean:

- A. The Governing Body of the Municipality.
- B. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. (*Ref. 84-1409 (1) RS Neb.*) (*Amended by Ord. Nos. 540, 10/6/83; 632, 6/10/93*)

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**§1-509 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, but shall not be limited to such reasons as:

- A. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
- B. Discussion regarding deployment of security personnel or devices;
- C. Investigative proceedings regarding allegations of criminal misconduct; or
- D. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of 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. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy.

Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

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 and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this Article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall 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.*) (*Amended by Ord. Nos. 540, 10/6/83; 642, 11/12/93*)

**§1-510 MEETINGS; EMERGENCY MEETINGS.** When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the

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emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of section 1-513 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. *(Ref. 84-1411 RS Neb.)(Ord. No. 453, 12/1/77) (Amended by Ord. No. 540, 10/6/83)*

**§1-511**        **MEETINGS; MINUTES.** Each public body shall keep minutes of all meetings showing the time, place. Members present and absent, and the substance of all matters discussed.

The minutes shall be public records and open to public inspection during normal business hours.

Minutes shall be wrtten and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. *(Ref. 84-1412, 84-1413 RS Neb.)(Ord. No. 453, 12/1/77)*

**§1-512**        **MEETINGS; VOTES.** Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting.

The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. *(Ref. 17-616, 84-1413 RS Neb.)(Ord. No. 453, 12/1/77)*

**§1-513**        **MEETINGS; NOTICE TO NEWS MEDIA.** The Municipal Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting. *(Ref. 84-1411 RS Neb.)(Ord. No. 453, 12/1/77)*

**§1-514**        **MEETINGS; PUBLIC PARTICIPATION.** Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to Section 1-509 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this Section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall for the purpose of circumventing the provisions of this Article hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this Section if it holds its meeting in its traditional meeting place which is located in this State. An agency

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which contracts with Municipalities outside the State of Nebraska may hold meetings of any Committee outside the State of Nebraska if such meetings are held only in such contracting Municipalities. Final Action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Sections 84-1408 to 84-1414 RS Neb. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. *(Ref. 84-1412, 18-2438 RS Neb.) (Ord. No. 453, 12/1/77) (Amended by Ord. Nos. 540, 10/6/83; 591, 11/5/87)*

**§1-515**        **MEETINGS; REGULAR MEETING.** The meetings of the Governing Body shall be held in the meeting place of the Municipality. Regular meetings shall be held on the first (1st) Thursday of full first week each month at the hour of seven (7:00) o'clock P.M.

At all meetings of the Council a majority of the Councilmembers shall constitute a quorum to do business. *(Ref. 17-105 RS Neb.)(Ord. No. 565, 9/5/85)*

**§1-516**        **MEETINGS; SPECIAL MEETINGS.** Special meetings may be called by the Mayor, or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. On filing the call for a special meeting, the Municipal Clerk shall notify the Councilmembers of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Councilmember known to be out of the state, or physically unable to be present. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

At the hour appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Councilmembers shall elect a President pro tempore. All Ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 6 herein. *(Ref. 17-106 RS Neb.)(Ord. No. 565, 9/5/85)*

**Article 6. Ordinances**

**§1-601**        **ORDINANCES; GRANT OF POWER.** The Governing Body shall have the responsibility of making all ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government. and welfare of the Municipality and its trade, commerce, and security. *(Ref. 17-505 RS Neb.)*

**§1-602**        **ORDINANCES; INTRODUCTION.** 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, 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 recognition 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**        **ORDINANCES; RESOLUTIONS AND MOTIONS.** Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one (1) time in the presence and hearing of a majority of the members elected to the Council. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Council. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

**§1-604**        **ORDINANCES; STYLE.** The style of all Municipal ordinances shall be:  
"Be it ordained by the Mayor and Council of the City of Bridgeport. Nebraska."  
*(Ref. 17-613 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 (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the Council, in such case said ordinance may be read by title or number and then moved for final passage. Three-fourths (3/4) of the Council may require any ordinance to be read in full before final passage under either process. *(Ref. 17-614 RS Neb.)*

**§1-607**        **ORDINANCES; PUBLICATION.** All ordinances of a general nature shall be published one (1) time within fifteen (15) days after they are passed in some newspaper in or of general circulation 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 (3) public places in the Municipality. *(Ref. 17-613 RS Neb.)*

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**§1-608      ORDINANCES; CERTIFICATE OF PUBLICATION OR POSTING.** The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Municipal Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. *(Ref. 17-613 RS Neb.)*

**§1-609      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 proclamation of the Mayor, and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency and be passed by a three-fourths (3/4) 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; GENERALLY.** The Municipal primary and general election shall be held in accordance with the provisions of Chapter Thirty-two (32) Revised Statutes of Nebraska. Said elections shall be held in conjunction with the State Primary and General Election. Prior to February One (1) of the year in which the first (1st) 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. Charges shall be paid to the County Clerk as set forth in Section 32-4,147 RS Neb.

Commencing with the Statewide Primary Election in 1976, and every two (2) years thereafter, those candidates for Mayor and for positions on the City Council whose terms will be expiring shall be nominated at the Statewide Primary Election and elected at the Statewide General Election. *(Ref. 17-107.02(1),(2), 32-4,146, 32-4,147 RS Neb.) (Amended by Ord. No. 480, 2/7/80)*

**§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 one (1%) per cent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. *(Ref. 32-513 RS Neb.) (Amended Ord. No. 481, 2/7/80)*

**§1-703 ELECTIONS; PRIMARY OR GENERAL ELECTION NOTICE.** The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. *(Ref. 32-402.01 RS Neb.) (Amended by Ord. Nos. 418, 3/4/76; 482, 2/7/80)*

**§1-704 ELECTIONS; SPECIAL MUNICIPAL.** In lieu of submitting a matter or issue at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide General or Primary Election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (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 election issues.

**§1-705 ELECTIONS; PETITION CANDIDATES.** Candidates for any Municipal office in the Municipality may be nominated by petition. Such petitions shall contain signatures of registered voters equal in number to five (5%) per cent of the votes cast in the voting unit at the most recent Municipal election or twenty-five (25) signatures,

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whichever is greater. Petitions must be filed at least sixty (60) days prior to the State Primary. (Ref. 32-504, 32-535 RS Neb.) (Amended by Ord. No. 483, 2/7/80)

**§1-706      ELECTIONS; COUNCILMEN.** Councilmen shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Councilmen by wards. Councilmen shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Councilmen takes place by wards, each nominee for Councilman shall be a resident and qualified elector of the ward for which he is a candidate, and only residents of that ward may sign the candidate's nomination petitions. (Ref. 5-108 RS Neb.)

**§1-707      ELECTIONS; VOTER QUALIFICATIONS.** Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. (Ref. 17-602, 32-102 RS Neb.)

**§1-708      ELECTIONS; OFFICIALS.** The County Clerk shall at least fifteen (15) days prior to the State Primary Elections, give notice of the appointment by each political party of three (3) judges and two (2) clerks of election in each election unit in the Municipality, to be known 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 the English language, reside in the election precinct in which he is to serve, be entitled to vote in his election unit, and hold office for a term of two (2) years, or until judges and clerks of election are appointed for the next State Primary Election. (Ref. 32-403 thru 32-412 RS Neb.) (Amended by Ord. No. 484, 2/7/80).

**§1-709      ELECTIONS; WARDS.** The Municipality shall redistrict as often as necessary using the most recent Federal Census to insure that each ward is substantially equal in population. The Municipality shall stand divided into the following wards as set forth herein:

FIRST WARD

The First Ward shall consist of all territory in the City lying west of Main Street, and all territory east of Main Street and North of Ninth (9th) Street including the north side of Ninth (9<sup>th</sup>) Street, except the west half of Block two (2) of the Original Town and Lots Eleven (11) and Twelve (12), Block Three (3) of the Ninth (9th) Addition to the City of Bridgeport, Nebraska.

SECOND WARD

The Second Ward shall consist of all territory in the City lying East of Main Street and South of Ninth (9th) Street including the south side of Ninth (9th) Street, and also including the west half of Block Two (2) of the Original Town and Lots Eleven (11) and Twelve (12), Block Three (3) of the Ninth (9th) Addition to the City of Bridgeport, Nebraska. (Ref. 17-102 RS Neb.)

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**§1-710**      **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.)*

**§1-711**      **ELECTIONS; RECALL PROCEDURE.** Any or all of the members of the Governing Body and the Mayor of the Municipality may be removed from office by the registered voters of the Municipality. An affidavit shall be made by one (1) or more registered voters and filed with the Municipal Clerk, stating the name and office of the officer or officers sought to be removed. A petition demanding that the question of removing such officer or officers be submitted to the registered voters shall be filed with the Municipal Clerk. Such petition for the recall of any or all such officers shall, if such officer was elected at large, be signed by registered voters equal in number to at least twenty-five (25%) per cent of the total number of votes cast at the last preceding regular Municipal election, or if such officer was elected from a ward, the petition shall be signed by registered voters of such ward equal in number to at least twenty-five (25%) per cent of the total number of votes cast in such ward at the last preceding regular Municipal election. The signatures to such petition need not be appended to any one (1) paper. Such petition papers shall be issued, signed and filed as provided for by the statutes of Nebraska.

No recall petition shall be filed against members of the Governing Body or the Mayor within six (6) months after he or she takes his or her office, nor within six (6) months after a recall election has failed to remove him or her. *(Ref. 19-4201 et seq. RS Neb.) (Ord. No. 485, 2/7/80)*

**§1-712**      **ELECTIONS; PRIMARY ELECTION, NUMBER OF CANDIDATES FILING.** If the number of candidates properly filed for nomination at the primary election does not exceed two (2) for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required. *(Ref. 17-107.02(4) RS Neb.) (Ord. No. 480, 2/7/80)*

**§1-713**      **ELECTIONS; PRIMARY ELECTION, WRITE IN CANDIDATES.** When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a Council member, such person shall not be entitled to a certificate of nomination at the statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty (20%) per cent of the total votes cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the ward, or of the at-large candidates if the election was held at large. *(Ref. 17-107.02(6) RS Neb.) (Ord. No. 480, 2/7/80)*

**§1-714**      **ELECTIONS; TIE VOTES.** In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. *(Ref. 17-107.02(6) RS Neb.) (Ord. No. 480, 2/7/80)*

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**§1-715      ELECTIONS; GENERAL ELECTION, PREPARATION OF BALLOT.**

When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the County Clerk, in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. *(Ref. 17-107.02(7) RS Neb.) (Ord. No. 480, 2/7/80)*

**§1-716      ELECTIONS; ELECTION TO TERMS.**

The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The County Clerk shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the Council in December following their election. *(Ref. 17-107.02(8) RS Neb.) (Ord. No. 480, 2/7/80)*

**§1-717      ELECTIONS; EXIT POLLS.**

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty (20') feet of the entrance of any polling place room or, if inside the polling place building, within one hundred (100') feet of any voting booth. *(Ref. 32-1221 RS Neb.) (Ord. No. 566, 10/10/85)*

**Article 8. Fiscal Management**

**§1-801**        **FISCAL MANAGEMENT; FISCAL YEAR.** The fiscal year of the Municipality for the purposes of taxation and appropriations, shall begin the first (1st) day in August of each year. *(Ref. 17-701 RS Neb.)*

**§1-802**        **FISCAL MANAGEMENT; BUDGET STATEMENT.** The Governing Body shall, not later than the first (1st) day of August of each year on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the Municipal Clerk a proposed budget statement containing the non-tax revenue which was allocated to each of the several funds, the unencumbered cash balance of each fund at the beginning and end of the prior fiscal year, the amount received by taxation allocated to each fund, and the actual expenditures for each fund. For the current fiscal year, the budget statement shall contain the actual and estimated revenue from non-tax sources, the actual unencumbered cash balance available at the beginning of the year, the amount to be received from taxation allocated to each fund, and the amount of actual and estimated expenditures. 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 the next fiscal year, amounts proposed to be expended during the year, and the amount of cash reserve which shall not exceed fifty (50%) per cent of the total budget adopted exclusive of capital outlay items. The amount to be raised from taxation, as determined herein, plus the estimated 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 RS 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 five (5) days prior to the date set for the 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 twenty (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 fifteenth (15th) 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 delinquent taxes not exceeding five (5%) per cent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. *(Ref. 23-927 RS Neb.)*

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**§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 preparation.

**§1-806**        **FISCAL MANAGEMENT; APPROPRIATIONS.** The Governing Body shall, on or before August 15<sup>th</sup>, pass an ordinance to be termed The Annual Appropriation Bill, in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Municipality, 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 unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, 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 value 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 maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed 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 (1) 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 ten thousand (\$10,000.00) dollars 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 Utility may enter into a contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the: Price is ten thousand (\$10,000.00) dollars or less. In advertising for bids for any such work, or for the purchase 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 three (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 three (3) public places in the Municipality; provided, that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, or war, estimates of costs

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and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths (3/4) vote of the Governing Body.

If, after advertising for bids as provided in this section, the Governing Body receives fewer than two (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 pursuant to the State bidding procedure. *(Ref. 17-568.01, 17-613 RS Neb.)(Amended by Ord. Nos. 452, 1/12/77; 478, 2/7/80; 542, 10/6/83)*

**§1-810**      **FISCAL MANAGEMENT; ANNUAL AUDIT.** The Governing Body shall cause an audit of the Municipal accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. The said audit shall be completed and the annual audit report made not later than six (6) months after the close of the fiscal year. The accountant making the audit shall submit not less than three (3) copies of the audit report to the Governing Body. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, except in Villages having a population of less than Eight Hundred (800), and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Municipality as well as an opinion by the accountant with respect to the financial statements. Two (2) copies of the annual audit report shall be filed with the Municipal Clerk, and shall become a part of the public records of the Municipal Clerk's office, and will at all times thereafter, be open for public inspection. One (1) copy shall be filed with the Auditor of Public Accounts; provided, that all Villages may file an unaudited 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. *(Ref. 19-2901 thru 19-2909 RS Neb.)*

**§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

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against it for an unliquidated claim which has not been presented to the Governing Body to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order, or warrant shall be drawn in excess of eighty-five (85%) per cent of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the Municipal Treasury for the appropriate fund against which it is to be drawn; provided, that in the event there exists obligated funds from the Federal and/or State government for the general purpose of such warrant, then such warrant may be drawn in excess of eighty-five (85%) per cent, but not more than one hundred (100%) per cent of the current levy for the purpose for which said warrant is drawn. *(Ref. 17-714, 17-715 RS Neb.)*

**§1-812      FISCAL MANAGEMENT; WARRANTS.** All warrants drawn upon the Municipal Treasury must be signed by the Mayor and countersigned by the Municipal Clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn, and the amount already expended of such fund. *(Ref. 17-711 RS Neb.)*

**§1-813      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 adopted budget of expenditures for that fund, by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized herein. If, as the result of unforeseen 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 (5) 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 required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget, and the approval by the Governing Body, the Governing Body shall file with the County Clerk and the Nebraska State Auditor a copy of the supplemental budget, and shall certify the amount of additional tax to be levied. The Governing Body may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants," and shall be repaid during the next fiscal year from funds derived from taxes levied therefor. *(Ref. 13-510, 13-511 RS Neb.)*

**§1-814      FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUND.** All money received on special tax assessments shall be held by the Municipal Treasurer as a special

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fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the Municipality for money expended for any such improvement. *(Ref. 17-710 RS Neb.)*

**§1-815**        **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 purposes of the adopted budget statement of the Municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, or repair of the approved uses as authorized by State law. To initiate the said sinking fund, the Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. The sinking fund may be established after the election if a majority, or more of the legal votes were in favor of the establishment of the fund. The Governing Body may then proceed to establish the said fund in conformity with the provisions of the proposition, and applicable State law. The funds received by the Municipal Treasurer shall, as they accumulate, be immediately invested with the written approval of the Governing Body in the manner provided by State law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Governing Body is authorized to do so by sixty (60%) per cent 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.** 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 FUNDS.** The Governing Body, at its first (1st) meeting in each fiscal year, shall designate one (1) or more banks of approved and responsible standing in which the Municipal Treasurer shall keep at all times all money held by him; provided, if more than one (1) 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 (1) 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.** The Governing Body may, by resolution, direct and authorize the Municipal Treasurer to invest surplus

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funds in the outstanding bonds or registered warrants of the Municipality, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (*Ref. 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.*)

**§1-819      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 maximum 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, 18-1801 thru 18-1805, 23-343.13, 39-836 RS Neb.*)

**§1-820      SALES TAX.**

Section 1: On July 25, 1989, there was held a special election in the City of Bridgeport at which all qualified electors of the City of Bridgeport were entitled to vote on the question of whether the City of Bridgeport on which the State of Nebraska is authorized to impose a sales and use tax pursuant to the provisions of the Nebraska Statutes; and that a majority of the votes cast in said election upon such said question were in favor of such a tax.

Section 2: On and after the 1st day of October 1989 pursuant to the provisions of the Local Option Revenue Act. Section 77-24,142 et seq. R.S. Nebraska 1943, as amended, there is hereby imposed a sales and use tax of one percent (1%) upon the same transactions within the corporate limits of the City of Bridgeport on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of the Local Option Revenue Act.

Section 3: The administration of the sales and use tax imposed by Section 2 of this Ordinance, including the ascertainment, assessment, collection, distribution and making of returns for said tax shall be as provided in the Local Option Revenue Act.

Section 4: The sales and use tax imposed by Section 2 of this Ordinance shall become effective on October 1, 1989 in accordance with the provisions of the Local Option Revenue Act and the rules and regulations adopted by the Tax Commissioner of the State of Nebraska in conformity therewith.

Section 5: The City Clerk shall deliver or cause to be delivered to the Tax Commissioner of the State of Nebraska a certified copy of this Ordinance and a certified map of the City of Bridgeport clearly showing the boundaries thereof, at least sixty (60) days prior to the 1<sup>st</sup> day of October, 1989. (*Ord. No. 605, 7/31/89*)

**Article 9. Compensation**

**§1-901      COMPENSATION; MUNICIPAL OFFICIALS.** The Compensation of any elective official of the Municipality shall not be increased or diminished during the term for which he shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the Governing Body, a board, or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during the unexpired term of office. He may be rehired after the term of office during which he resigned at a greater salary. All salaries shall be set by ordinance of the Governing Body and will be available for public inspection at the office of the Municipal Clerk. *(Ref. 17-108.02, 17-209.02, 17-612 RS Neb.)*

**§1-902      COMPENSATION; CONFLICT OF INTEREST.** No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party when the consideration of the said contract is in an amount in excess of ten thousand (\$10,000.00) dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this Section. Any such interest in a contract shall void any obligation on the part of the Municipality; provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the Municipality shall not be considered a contract under the provisions of this Section. No official shall receive any pay or compensation from the Municipality other than his salary. The Governing Body shall not pay or appropriate any money or other valuable thing to pay a person who is not an 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; provided, that ownership of less than one (1%) per cent of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this Section. *(Ref. 17-611, 18-301 thru 18-312 RS Neb.)*

**Article 10. Intergovernmental Risk Management**

**§1-1001 INTERGOVERNMENTAL RISK MANAGEMENT; AUTHORITY.** The Governing Body and anyone or more public agencies, as defined in Section 44-4303 RS Neb., may make and execute an agreement providing for joint and cooperative action in accordance with Sections 44-4301 through 44-4339 RS Neb., to form, become members of, and operate a risk management pool for the purpose of providing to members risk management services and insurance coverages in the form of group self-insurance or standard insurance, including any combination of group self-insurance and standard insurance, to protect members against losses arising from any of the following:

1. General liability;
  2. Damage, destruction, or loss of real or personal property, including but not limited to, loss of use or occupancy, and loss of income or extra expense resulting from loss of use or occupancy;
  3. Errors and omissions liability; and
  4. Workers' compensation liability.
- (Ref. 44-4301 thru 44-4339 RS Neb.) (Ord. No. 582, 9/10/87)*

**Article 11. Penal Provision**

**§1-1011** **VIOLATION; PENALTY.** Any 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Amended by Ord. No. 694, 7/8/99*)