

Article 5. Meetings

§1-501 MEETINGS; DEFINED. Meetings, as used in this Article shall mean all regular, special, or called meetings of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action. (Ref. 84-1409(2) RS Neb.)

§1-502 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, 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 such subcommittees have been given authority to take formal action on behalf of their parent body. (Ref. 84-1409(1) RS Neb.)

§1-503 MEETINGS; PUBLIC. All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All 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 available for public inspection at the office of the Municipal Clerk. 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.)

§1-504 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, or litigation;
- B. Discussion regarding deployment of security personnel or devices;
or
- C. Investigative proceedings regarding allegations of criminal misconduct.

Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to a 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 meeting shall be reconvened in open session before any formal action may be taken.

Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. 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. *(Ref. 84-1410 RS Neb.)*

§1-505 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the 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 1-508 of this Article shall be complied with in conducting emergency meetings. *(Ref. 84-1411 RS Neb.)*

§1-506 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 written 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.)*

§1-507 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 requirements of a roll call or viva voce vote shall be satisfied by the Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Governing Body

to be readily seen by the public. 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.*)

§1-508 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.*)

§1-509 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 may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing. Any public body may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings. (*Ref. 84-1408, 84-1412 RS Neb.*)

§1-510 MEETINGS; GOVERNING BODY. The meetings of the Governing Body shall be held in the City Council Chambers. Regular meetings shall be held on the second (2nd) Wednesday of each month at the hour of five thirty (5:30) 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 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. Nos. 99-10, 11/3/99; 00-6, 7/5/00; 6-2005, 5/4/05; 4-2007, 4/11/07)*

§1-511 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.

§1-512 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 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.*)

§1-513 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.

§1-514 CODE OF DECORUM. It is the policy of the City of Wakefield that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have

confidence in the integrity of its government. In recognition of these goals, a code of conduct for all city officials and employees is adopted. The City Council may adopt, amend, and/or rescind this code. If any portion of this Code of Conduct is found to conflict with City Ordinance or State Law, the provisions of City Ordinance or State Law shall be followed.

(1) Mayor:

- (a) Presides at all the meetings of the City Council.
- (b) May debate any matter coming before the City Council.
- (c) Votes when his or her vote shall be decisive and the City Council is equally divided on any pending matter.
- (d) Has superintending control of all officers and affairs of the Municipality and shall take care that the State and Municipal law are complied with.
- (e) Has the power to approve or veto any ordinance, order, by-law, resolution, award of contract, or allowance of a claim passed by the City Council.
- (f) Demonstrates respect, kindness, consideration, and courtesy to others.
- (g) Prepares in advance of City Council meetings and becomes familiar with agenda items.
- (h) Will not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain.
- (i) Shall communicate to the City Council such information and recommend such measures as in the Mayor's opinion may tend to improve the municipality.
- (j) May call for a special meeting.
- (k) Makes judgment calls on proclamations and similar situations.
- (l) Recognized as spokesperson for the City. The Mayor may designate another.
- (m) Selects substitute for City representation when unable to attend events.
- (n) Recommends subcommittees and names for appointment to Committees for City Council confirmation.
- (o) Leads the City Council into an effective, cohesive working team.

- (p) Signs documents on behalf of the City.
- (q) Serves as official delegate of the City at events and conferences.
- (r) Provides advance notice to City Hall if he or she is unable to attend any called meeting.
- (s) Demonstrates: honesty and integrity in every action and statement.
- (t) Inspires public confidence in Wakefield City government.
- (u) Will treat all people fairly.
- (v) Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), the Mayor shall not be absent more than: (i) eight (8) regular meetings; or (ii) five (5) consecutive meetings.

(2) Council President:

- (a) Chairs Council meetings in the absence of the Mayor.
- (b) May debate any matter coming before the City Council and may move, second, debate and vote from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any rights and privileges of a Councilmember by reason of his or her acting as presiding officer.
- (c) Performs the duties of the Mayor if the Mayor is absent or disabled.
- (d) Represents City at ceremonial functions at the request of the Mayor.

(3) Councilmembers: All members of the City Council have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. The Council is the policymaker of Wakefield City Government, and therefore the City Council should feel free to ask for, and receive thorough answers to reasonable questions. It is their responsibility to make good policy by understanding the form of government and the role they play in that form. The Council shall make all decisions in the City of Wakefield's best interest. Councilmembers should:

- (a) Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.

(b) Prepare in advance of City Council meetings and be familiar with agenda items,

(c) Not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain, including confidentiality in executive session.

(d) Represent the City at ceremonial functions at the request of the Mayor.

(e) Apply knowledge and expertise to the assigned activity and to the interpersonal relationships that are part of the job in a consistent, confident, and competent manner.

(f) Serve as a model of leadership and civility to the employees of the City and the citizens of the community.

(g) Inspire public confidence in Wakefield City government.

(h) Provide advance notice to City Hall whenever possible if he or she is unable to attend any called meeting.

(i) Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), a Councilmember shall not be absent more than: (i) eight (8) regular meetings; or (ii) five (5) consecutive meetings.

(j) Demonstrate honesty and integrity in every action and statement.

(4) Meeting procedures:

(a) Regular City of Wakefield Council meetings are held on the second Wednesday of every month. The Mayor or three Councilmembers can call for a special meeting, the object of which shall be submitted to the City Council in writing.

(b) In chairing official meetings of the City Council, the Mayor, or Council President shall:

1. Maintain order, decorum, and the fair and equitable treatment of all speakers.

2. Keep discussion and questions focused on specific agenda items under consideration.

3. Open public hearings at the designated time(s) and inform those in attendance that each person addressing the City Council shall step up to the podium, state their name and address for the record, and unless further time is granted by the City Council, limit their remarks to three (3) minutes in length.

(5) Elected officials conduct with city staff:

(a) Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Rude or boorish behavior towards staff is not acceptable.

(b) Questions of City staff should be directed only to the City Administrator, City Attorney, City Clerk, or Department Heads. All requests for information concerning staff should be copied to the City Administrator. Requests for follow-up or directions to staff should be made only through the Mayor or City Administrator when appropriate and should be in writing so there is no confusion on the request. When in doubt about what staff contact is appropriate, Councilmembers should contact the Mayor or City Administrator for direction.

(c) Materials supplied to a Councilmember in response to a request will be made available to all members of the City Council so that all have equal access to information.

(d) Councilmembers should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the Mayor or City Administrator through private correspondence or conversation.

(e) Councilmembers should not attempt to influence City staff in their daily work or in the granting of City licenses and permits.

(6) Elected officials conduct with consultants/engineers and the public:

(a) Making individual presenters feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident. Every effort should be made to be fair and impartial in listening to testimony that is presented.

(b) It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is acceptable to look down at documents or to make notes, but continual visiting, reading or gazing around gives the appearance of disinterest.

(c) All speakers should be allowed the privilege of making an appropriate presentation without interruption. If a speaker becomes flustered or defensive by questions, it is the responsibility of the Chair to stay calm, focus the speaker, and maintain the order and decorum of the meeting.

(d) Questions directed to the public/consultants/engineers should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

(7) Elected officials conduct with other Agencies, Boards and Commissions:

(a) If an elected official appears before another governmental agency, legislative hearing or organization to give a statement on an issue, the elected official must clearly state:

1. If his or her statement reflects his/her personal opinion or if it is the official stance of the City; and
2. Whether this is the majority or minority opinion of the City Council.

(b) If the elected official is officially representing the City, he or she must support and advocate the official City position on an issue, and not his or her personal viewpoint.

(c) Elected officials may be asked to attend a Board or Commission meeting as a liaison of the City Council, The elected official should be sensitive to the way his or her participation could be viewed as unfairly affecting the process. Any public comments by an elected official should be clearly made as individual opinion and not as representation of the feeling of the entire body unless directed to do so.

(d) A primary role of Boards/Commissions is to represent the many points of view in the municipality and to provide advice to the elected officials based on a full spectrum of concerns and perspectives. Elected officials shall be fair and respectful of all citizens serving on Boards/Commissions. It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer.

(8) Elected officials contact with the media:

(a) The best advice for dealing with the media is to never go "off the record".

(b) The Mayor or his or her designee is the designated representative of the City Council to represent and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether his or her comments represent the official City position or his or her personal viewpoint.

(9) Elected officials conduct in unofficial settings:

(a) Councilmembers should make no promises on behalf of the City Council. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise City Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, etc).

(b) It is acceptable for Councilmembers to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions or actions.

(10) Requirement of the public when addressing the City Council as a body:

(a) The presiding officer of the City Council can, but is not required by State law to, provide opportunity during City Council meetings for discussion by interested persons or their authorized representatives on any City Council agenda item prior to final action thereon; provided, that a preference shall be given to any person who, at least three (3) days prior to the meeting, shall have requested opportunity for discussion by notice directed to the City Clerk.

(b) Any member of the public may direct a written communication to the City Council on any matter concerning City business by directing the communication to the City Council through the Mayor, City Administrator, or City Clerk. Any such written communication that cannot be handled administratively shall be placed on the agenda at the next regularly scheduled meeting.

(c) The presiding officer shall, from time to time, make such rules as he or she may deem necessary to fulfill and carry out the intent of the provisions of this section.

(d) As a general rule, each person addressing the City Council shall step up to the podium, state his or her name and address for the record, and unless further time is granted, limit his or her remarks to three (3) minutes in length. All remarks shall be addressed to the City Council as a body and not to any member thereof. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without permission of the Mayor or Presiding Officer.

(e) Nothing in this section shall prohibit any citizen from contacting a Councilmember(s) regarding an issue of concern.

(11) Sanctions:

(a) A vacancy may exist on the City Council if a Councilmember is absent more than a third of the regular meetings (three (3) meetings from December 1 to December 1), and a vacancy shall exist on the City Council if a Councilmember is absent more than five (5) consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Councilmember. (Neb. Rev. Stat. §19-3101)

(b) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

(c) Councilmembers should refer to the Mayor or City Administrator any City staff who do not follow proper decorum in their dealings with Councilmembers, other City staff, or the public. Such employees may be disciplined in accordance with City personnel regulations.

(d) City Councilmembers who intentionally and repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council, and/or lose seniority or committee assignments. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the City Council.

(e) It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full City Council in a public meeting.

(f) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the Mayor who will then conduct a study on the report and take the next appropriate action.

(g) These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; or forming a

City Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for council consideration.

(12) Checklist for monitoring conduct:

- (a) Will my decision/statement/action violate the trust, rights or good will of others?
- (b) What are my interior motives and the spirit behind my actions?
- (c) If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- (d) How would my conduct be evaluated by people whose integrity and character I respect?
- (e) Even if my conduct is not illegal or unethical, is it done at someone else's expense?
- (f) Is my conduct fair? Just? Morally right?
- (g) If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- (h) Does my conduct give others reason to trust or distrust me?
- (i) Am I willing to take an ethical stand when it is called for?
- (j) Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- (k) Do I exhibit the same conduct in my private life as I do in my public life?
- (l) Can I take legitimate pride in the way I conduct myself and the example I set?
- (m) Do I listen and understand the views of others?
- (n) Do I question and confront different points of view in a constructive manner?
- (o) Do I work to resolve differences and come to mutual agreement?
- (p) Do I support others and show respect for their ideas?
- (q) Will my conduct cause public embarrassment to someone else? (*Ord. No. 6A-2013, 8/14/13*)

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 Councilmember 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 Councilmember 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 Wakefield, 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 OR POSTING.

All ordinances of a general nature shall, before they take effect, be published, within fifteen (15) days after they are passed:

(1) In some newspaper published in the City, but if no paper is published in the City, then by posting a written or printed copy thereof in each of three (3) public places in the City,

(2) By publishing the same in book or pamphlet form. *(Ref. 17-613 RS Neb.) (Amended by Ord. No. 99-6, 8/4/99)*

§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.)*

Wakefield Code

Article 7. Elections

§1-701 ELECTIONS; JOINT, GENERAL. The general Municipal election shall be held in accordance with the provisions of Chapter thirty-two (32), Revised Statutes of Nebraska. The Governing Body has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year. Prior to February one (1) of the year, in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. (Ref. 19-621, 32-505, 32-4, 147 RS Neb.)

§1-702 ELECTIONS; JOINT, GENERAL, 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.)

§1-703 ELECTIONS; JOINT, SPECIAL. 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 state-wide election issues.

§1-704 ELECTIONS; SPECIAL MUNICIPAL. A Special Municipal Election may be held upon notice of such election being prepared and published by the Municipal Clerk, except as otherwise provided by law, not less than five (5) days, nor more than ten (10) days prior to any special election. Such elections shall be conducted in accordance with the Municipal Election Code, Section 19-3001, et. seq.

RS Neb. (Ref. 19-3003, 19-3006 RS Neb.)

§1-705 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.)

§1-706 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, whichever is greater. Petitions must be filed at least sixty (60) days prior to the State Primary. (Ref. 32-504, 32-535 RS Neb.)

§1-707 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)

through 32-412 RS Neb.)

§1-708 ELECTIONS; OFFICIALS OATH. Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by State law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (Ref. 11-101.01, 19-3015, 32-413, 32-414 RS Neb.)

§1-709 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.)

§1-710 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:

WARD NUMBER 1

Ward Number 1 shall consist of all territory in the City lying north of a line beginning at a point where Fourth (4th) Street intersects the east boundary line of the corporate limits of the City, thence west along the center line of Fourth (4th) Street to

the center line of Highland (Hiland) Street, thence south to the center line of Fifth (5th) Street, thence west to the west corporate limits of the City.

WARD NUMBER 2

Ward Number 2 shall consist of all remaining territory in the corporate limits of the City not included in Ward Number 1 as described above. (Ref. 17-102 RS Neb.)

§1-711 ELECTIONS; COUNCILMEMBERS. Councilmembers shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Councilmembers by wards. Councilmembers shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Councilmembers takes place by wards, each nominee for Councilmember 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.)

§1-712 ELECTIONS; BALLOTS. The County Clerk shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (Ref. 32-417, 32-418 RS Neb.)

§1-713 ELECTIONS; CERTIFICATE OF ELECTION. After the canvass of the vote at the Municipal election, the Municipal Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote, and in the form as nearly as possible prescribed by State law, which shall be signed by the Mayor under the seal of the Municipality, and countersigned by the Municipal Clerk. The said certificate shall then be delivered to the persons so elected. (Ref. 19-3040, 19-3041, 32-4,111, 32-4,152 RS Neb.)

§1-714 ELECTIONS; INABILITY TO ASSUME OFFICE. In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that any candidate so declared elected received not less than thirty-five (35%) per cent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected, or reasonable notice of the winners ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (Ref. 32-537 (7) & (8) RS Neb.)

§1-715 ELECTIONS; RECALL PROCEDURE. Any or all of the members of the City Council 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 sig-

natures 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 City Council 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.)

Article 8. Fiscal Management

§1-801 FISCAL MANAGEMENT; FISCAL YEAR. The fiscal year of the Municipality and any public utility of the Municipality commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (*Ref. 17-701 RS Neb.*) (*Amended by Ord. No. 396, 2/7/96*)

§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%) percent 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 September First (1st) 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%) percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. *(Ref. 23-927 RS Neb.)*

§1-805 FISCAL MANAGEMENT; BUDGET PROCEDURE. The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation.

§1-806 FISCAL MANAGEMENT; APPROPRIATIONS. The Governing Body shall, on or before August 15th, pass an ordinance to be termed The Annual Appropriation Bill, in which are appropriated such 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; ALL PURPOSE LEVY. The Governing Body has determined that the amount of money to be raised by taxation shall be certified to the County Clerk in the form of one all purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all purpose levy shall not exceed an annual levy of thirty (30) mills on the dollar upon the assessed valuation of all taxable property in the Municipality, except

intangible property. *(Ref. 19-1309 RS Neb.)*

§1-808 FISCAL MANAGEMENT; EXTRAORDINARY LEVY. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Municipality and to pay judgments obtained against the Municipality may be made in addition to the all purpose levy. *(Ref. 19-1309 RS Neb.)*

§1-809 FISCAL MANAGEMENT; INADEQUATE VALUATION. If the valuation of the Municipality has been reduced so that the maximum levy permitted by Section 1-807 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Governing Body of petitions signed by a majority of the registered voters of the Municipality requesting such action and specifying the extent to, and the period of time, not to exceed five (5) years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Governing Body. The Governing Body shall cause such petitions, accompanied by the certificate of the County Clerk that he has examined the petitions and that they have been signed by a majority of the registered voters of the Municipality, to be filed with the County Board in which the Municipality is located. After such filing, the Governing Body may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. *(Ref. 19-1309 RS Neb.)*

§1-810 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION. The Governing Body shall allocate the amount raised by the all purpose levy to the several departments of the Municipality in its annual budget and appropriation ordinance, or in other legal manner, as the Governing Body shall deem best. *(Ref. 19-1310 RS Neb.)*

§1-811 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT. The Municipality shall be bound by its election of the all purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. *(Ref. 19-1311 RS Neb.)*

§1-812 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.*)

§1-813 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.*)

§1-814 FISCAL MANAGEMENT; CONTRACT. The Governing Body shall, before entering into any contract for labor, materials, or any public improvement which exceeds seven thousand five hundred (\$7,500.00) dollars in cash as estimated by the Municipal Engineer, advertise for bids once each week for three (3) consecutive weeks in a legal newspaper of general circulation in the Municipality, or post a printed or written copy thereof in each of three (3) public places in the Municipality; Provided that in the case of a public emergency which is a serious danger to life, health, or property, estimates of costs 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 any work or improvement, 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 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, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing Municipality, the Governing Body may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer. (*Ref. 17-568.01, 17-613 RS Neb.*)

§1-815 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. Such audit shall be made on a cash or accrual method at the discretion of the Governing Body. The said audit shall be completed, and the annual audit report made not later than 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. *(Ref. 19-2901 through 19-2909 RS Neb.)*

§1-816 FISCAL MANAGEMENT; CLAIMS. All claims against the Municipality shall be presented to the Governing Body in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this Section. No costs shall be recovered against the Municipality in any action brought against it for an unliquidated claim which has not 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%) percent 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%) percent, but not more than one hundred (100%) percent of the current levy for the purpose for which said warrant is drawn. *(Ref. 17-714, 17-715 RS Neb.)*

§1-817 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.*)

§1-818 FISCAL MANAGEMENT; SPECIAL ASSESS- MENT FUND. All money received on special tax assessments shall be held by the Municipal Treasurer as a special 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.*)

§1-819 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 through 19-1304, 77-2337, 77-2339 RS Neb.*)

§1-820 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 through 77-2364 RS Neb.)*

§1-821 FISCAL MANAGEMENT; INVESTMENT OF FUNDS.

The Governing Body may, by resolution, direct and authorize the Municipal Treasurer to invest surplus 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.)*

§1-822 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 through 10-411, 10-601 through 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 through 18-1805, 23-343.13, 39-836 RS Neb.)*

§1-823 FISCAL MANAGEMENT; SALES AND USE TAX.

(1) The City of Wakefield hereby imposes a one percent (1%) sales and use tax on the same transactions within the City on which the State of Nebraska is authorized to impose a sales and use tax. The

question of whether the City should impose a sales and use tax was submitted to the qualified electors of the City at a special election held March 13, 2007, as provided for by sections 77-27,142 to 77-27,148 RS Neb., as amended, (the Local Option Revenue Act). Said question was approved by a majority of the votes cast, and no question of imposing a sales and use tax had been submitted to the qualified electors of the City, and failed, within twenty-three (23) months of the March 13, 2007 special election date.

(2) The collection of said sales and use tax on transactions within the City shall be for a term of fifteen (15) years beginning October 1, 2007, and terminating October 1, 2022, unless an amendment is approved by a vote of the electorate of the City prior to the termination date of October 1, 2022.

(3) The City Clerk shall forthwith furnish a certified copy of this section to the Nebraska Tax Commissioner, along with a certified map of the City limits, and any other information required by the rules and regulations adopted by the Tax Commissioner as provided for in the Local Option Revenue Act.

(4) In the event the City annexes any additional territory, the City Clerk shall furnish the Tax Commissioner a certified copy of any ordinance of annexation, including a certified map defining the annexed area. Collection of sales and use taxes in any annexed area of the City shall not commence until the first day of the calendar quarter following a minimum of one hundred twenty (120) days' notice to the Tax Commissioner.

(5) The proceeds of the tax collected by the Tax Commissioner, shall after deductions required by law, be distributed to the City for deposit in the general fund, or such other fund as provided by City ordinance or state law.

(6) The City shall furnish a certified statement to the Tax Commissioner no more than one hundred eighty (180) days and no less than one hundred twenty (120) days prior to the termination date stated in this section, that the termination date in this section is still valid, unless said termination date has been amended by a vote of the qualified electors of the City. (*Ord. No. 5-2007, 4/11/07*)

Wakefield Code

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, 17-612 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 through 18-312 RS Neb.)*

Article 10. Social Security

§1-1001 SOCIAL SECURITY; ACCEPTANCE OF SYSTEM.

The City of Wakefield, Nebraska, hereby accepts for itself and on behalf of its officials, appointees, and employees, except such as are herein- after excluded from the provisions hereof, their dependents and survivors, the provisions, benefits, and protection of the Federal Old Age and Survivors Insurance System, established by Title II of Social Security Act, the same being Public Law 734 (81st Congress, Second Session, H. R. 6000) and to be cited as the "Social Security Act Amendments of 1950." (*Ref. 68-601 through 68-632 RS Neb.*) (*Ord. No. 213, 6/2/53*)

Wakefield Code

Article 11. Penal Provision

§1-1101 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, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

Wakefield Code