

## 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 may vote when his vote shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. 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 neglects or refuses to sign any ordinance, and returns it to the Council with his objections in writing at the next regular Council meeting, the same shall become a law without his signature. 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 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 (1/2) 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 17-115, 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 as are necessary and appropriate in the exercise of these functions. (*Ref. 17-103, 17-104 RS Neb.*)

**§1-104**        **CITY COUNCIL; ORGANIZATION.** City Councilmembers of this Municipality shall take office, and commence their duties on the first regular meeting in December following their election. The newly elected Councilmembers 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.*)

**§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.*)

**§1-106**        **MAYOR; VACANCY.** Whenever a vacancy occurs in 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 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.*)

## Article 2. Appointed Officials

**§1-201 APPOINTED OFFICIALS; GENERAL AUTHORITY.**

The Mayor, by, and with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the Mayor. The Mayor, by, and with the consent of the City Council, shall appoint such a number of regular policemen, and other officials as may be necessary, and may establish a police reserve force as provided by law. All police officers, and other appointed officials shall be subject to removal at any time by the Mayor. (*Ref. 17-107, 81-1438 thru 81-1446 RS Neb.*)

**§1-202 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.*)

**§1-203 APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED.** The appointive offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the Governing Body by Section 1-202.

The office so merged and combined shall always be construed to be separate, and the effect of the combination, or merger, shall be limited to a consolidation of official duties only.

The salary 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.

**§1-204 APPOINTED OFFICIALS; MUNICIPAL CLERK.**

The Municipal Clerk shall be appointed by the Mayor and with the consent of a majority of the City Council. Such person shall be under the direction and control of the City Administrator/Public Works Director, and shall be responsible to the City Administrator/Public Works Director for the efficient conduct of his or her office. The Municipal Clerk may be removed at any time by the Mayor, with the approval of the majority of the City Council. The Municipal Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. He shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or cancelled, said record shall show the fact. He shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his office for the year. That record shall 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 shall file all official bonds after the same shall have been properly executed, and approved. He shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

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

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

receipt therefor. He shall keep all the records of his office, including a record of all licenses issued by him in a blank book with a proper index. He shall include as part of his records all petitions under which 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 shall endorse the date, and hour of filing upon every paper, or document so filed in his office. All such filings made by him shall be properly docketed. Included in his 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 shall keep, and preserve the proceedings of the Governing Body in two (2) separate, and distinct record books. The Minute Records shall contain a record of all the miscellaneous, and informal doings of the Governing Body. The Minute Record shall not include the passage, and approval of ordinances except such resolutions incorporating by reference the Ordinance Record into the Minute Record. The Ordinance Record shall contain the formal proceedings of the Governing Body in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk shall record, and spread at large in the Ordinance Record his ordinance minutes on printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Governing Body, the Municipal Clerk shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record. He shall keep an accurate, and complete account of the appropriation of the several funds, draw, sign, and 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 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.

The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his charge to the Mayor for his signature. He 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 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 item. Between July 15 and August 15 of each year, the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May; Provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He 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 shall receive the claims of any person against the Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk shall notify such claimant, his agent, or attorney by letter within five

(5) days after such disallowance, and the Municipal Clerk shall then prepare transcripts on 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 office as set by resolution of the Governing Body. He shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 thru 84-1220; Provided, the Governing Body shall not have the authority to destroy the Minutes of the 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 thru 84-1220, 84-712 RS Neb.*) (*Amended by Ord. No. 1-2002, 4/3/02*)

**§1-205 APPOINTED OFFICIALS; MUNICIPAL TREASURER.**

The Municipal Treasurer shall be appointed by the Mayor and with the consent of a majority of the City Council. Such person shall be under the direction and control of the City Administrator/Public Works Director, and shall be responsible to the City Administrator/Public Works Director for the efficient conduct of his or her office. The Municipal Treasurer may be removed at any time by the Mayor, with the approval of the majority of the City Council. 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, 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 thru 17-609, 84-712 RS Neb.) (Amended by Ord. No. 1-2002, 4/3/02)*

**§1-206 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.** The Municipal Treasurer shall at the end of each, and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together 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.)*

**§1-207 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.*)

**§1-208 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY.**

The Municipal Attorney is the Municipality's legal advisor, and as such he shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body, and shall advise any Municipal Official in all matters of law in which the interests of the Municipality may be involved. He 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 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.*)

**§1-209 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. He shall receive no compensation for his services as a member of the Municipal Board of Health. (*Ref. 17-121 RS Neb.*)

**§1-210 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.*)

[Editor's Note: The Chief of Police will also have the additional duty of enforcing the Flood Plain Regulations along with the City Administrator. Flood Plain Regulations are on file in the City Clerk's Office] (*Ord. No. 315, 3/6/85*)

**§1-211 APPOINTED OFFICIALS; MUNICIPAL POLICE-MAN.** 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 and no law enforcement official shall have any interest in any establishment having a liquor license. Municipal Policemen shall have the duty to file such complaints and reports as may be required by the Municipal ordinances, and the laws of the State of Nebraska. Any Municipal 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. Except with the

consent of the City Council, all Municipal Policemen shall be required to live within the City limits of Wakefield, Nebraska. (*Ref. 17-107, 17-118, 17-124 RS Neb.*)

**§1-212 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.**

The Municipal Fire Chief shall be elected by the members of the Fire Department and confirmed by the City Council. 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.*)

**§1-213 APPOINTED OFFICIALS; SPECIAL ENGINEER.**

The Governing Body may employ a special engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The special engineer shall make a record of the minutes of his surveys and all other work done for

the Municipality. He shall, when directed by the Governing Body, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Governing Body. He shall, upon request of the Governing Body, make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, or culverts and for the building, constructing, or repairing of any public improvement of the Municipality. All records of the special engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. He shall, when directed by the Governing Body, inspect all works of public improvement, and if found to be properly done, shall accept the same, and report his 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. (*Ref. 17-405, 17-568, 17-919 RS Neb.*)

**§1-214 APPOINTED OFFICIALS; MUNICIPAL LANDFILL/STREET SUPERINTENDENT POSITION CREATED; ASSUMPTION OF DUTIES OF MUNICIPAL LANDFILL/STREET SUPERINTENDENT, AND MUNICIPAL UTILITIES SUPERINTENDENT BY CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR.**

(1) The appointive offices of Municipal Landfill Superintendent and Municipal Street Superintendent are hereby combined and merged in accordance with the authority granted to the Governing Body by Section 1-202. In lieu of the appointment of a Municipal Landfill/Street Superintendent and Municipal Utilities Superintendent, the duties of said appointive positions may be assigned by the City Council to the City Administrator/Public Works Director.

(2) 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. (*Amended by Ord. No. 1-2002, 4/3/02*)

**§1-215 APPOINTED OFFICIALS; MUNICIPAL LANDFILL SUPERINTENDENT.** The Municipal Landfill Superintendent shall have the immediate control and supervision of the Municipal Landfill, and of all dumping of garbage, refuse, waste, and rubbish thereon, subject to the general control and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the landfill, and shall direct their attention to such improvements, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall issue dumping permits if the Governing Body should require them and shall inspect and supervise all work done to improve or extend the landfill. He shall have such other duties as the Governing Body may delegate to him. He may be removed at any time by a two-thirds (2/3) vote of the Governing Body. (*Ref. 17-107 RS Neb.*)

**§1-216 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. He may be removed at any time by a two-thirds (2/3) vote of the Governing Body. (*Ref. 17-107, 17-119 RS Neb.*)

**§1-217 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 and Municipal streets. The Utilities Superintendent may be removed at any time by a two-thirds (2/3) vote of the Governing Body. 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. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He shall have general supervision and control over the Municipal Water System, and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System which the Governing Body may from time to time hire to operate and maintain the said system. He shall make a detailed report to the Governing Body at least once every six (6) months, of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond



conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He shall perform such additional duties as may be prescribed by the Governing Body.

#### Sewer Department

The Utilities Superintendent shall have the immediate control, and supervision over all the employees, and property that make up the Municipal sewer system, subject to the general control, and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the sewer system, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. He shall issue permits for all connections to the Municipal sewer system, and inspect and supervise all repairs made to the said system.

#### Electrical Department

The Utilities Superintendent shall have the immediate control and supervision over all employees and property that make up the Municipal Electrical System, subject to the general control and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the electrical system, and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. (*Ref. 17-107, 17-119, 17-541, 17-543 RS Neb.*)

**§1-218 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 at all reasonable hours, 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 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.

**§1-219 APPOINTED OFFICIALS; MUNICIPAL ELECTRICAL INSPECTOR.** The Municipal Electrical Inspector shall enforce all laws relating to the installation of electrical wiring, and connections thereto. When acting in good faith, and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons, or property as the result of any act required by him, or by reason of any act or omission in the discharge of his duties. He shall, in the discharge of his official duties, and upon proper identification, have authority to enter into any building, structure, or premise at any reasonable hour. He shall perform such other duties, and issue any permits that the Governing Body may direct. The Electrical Inspector

may be removed at any time for good and sufficient cause by the Governing Body. In lieu of a specific appointment by the Mayor, the Utilities Superintendent is hereby designated as the Municipal Electrical Inspector.

**§1-220 APPOINTED OFFICIALS; MUNICIPAL PLUMBING INSPECTOR.** The Municipal Plumbing Inspector shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith, and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons, or property as the result of any act required by him or by reason of any act, or omission in the discharge of his duties. He shall, in the discharge of his official duties, and upon proper identification, have authority to enter into any building, structure, or premise at any reasonable hour. He shall perform such other duties and issue any permits that the Governing Body may direct. The Plumbing Inspector may be removed at any time for good and sufficient cause by the Governing Body. In lieu of a specific appointment by the Mayor, the Utilities Superintendent is hereby designated as the Municipal Plumbing Inspector.

**§1-221 APPOINTED OFFICIALS; CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR.** (1) The City Administrator/Public Works Director shall be appointed by the Mayor and with the consent of a majority of the City Council. Such person shall be the administrative head of the City government, under the direction and control of the Mayor and the City Council, and shall be responsible to the Mayor and the City Council for the efficient conduct of his office.

The office of the City Administrator/Public Works Director may not be held by the Mayor. The City Administrator/Public Works Director may be removed at any time by the Mayor, with the approval of the majority of the City Council.

(2) **CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; PURPOSE.** In such person's capacity as City Administrator, he or she

shall provide centralization of the administrative responsibilities of the City and shall have overall responsibility for City affairs. In such person's capacity as Public Works Director, he or she shall be responsible on a day-to-day basis for the Utility and Public Works Departments of the City.

(3) CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; DUTIES. The duties of the City Administrator/Public Works Director shall be as follows:

- A. To make and keep up to date an inventory of all property, real and personal, owned by the City;
- B. To act as purchasing agent for the purchase of all supplies, goods, wares, and merchandise, equipment and material which may be required for the various departments, divisions, or services of the City;
- C. To keep the Mayor and the City Council fully advised as to the financial condition of the City and its needs. The City Administrator/Public Works Director shall be responsible for and prepare the annual estimate of revenues and expenditures, together with a proposed budget for presentation to the Mayor and the City Council, prior to consideration by the Mayor and the City Council of the adoption of the annual appropriations ordinance; when a budget has been adopted and appropriations ordinance passed, the City Administrator/Public Works Director shall be responsible for the control of budgeted expenditures;
- D. To serve as public relations officer of the City government, and in such capacity to investigate and adjust all complaints filed against any employee, department, division, or service thereof; and to cooperate with all community organizations whose aim and purpose is to advance the best interests of the City and its people; and to attend meetings of such organizations, if, in his judgment, such attendance is necessary and desirable;

- E. To attend all meetings of the City Council with the duty of reporting any matter concerning City affairs under his supervision or direction; and to attend such other meetings of the City departments and officials as his duties may require;
- F. To analyze the functions, duties, and activities of other various departments, divisions, and services of the City government and of all employees thereof, and to make recommendations regarding the same to the Mayor and the City Council;
- G. To carry out directions and recommendations of the Mayor and City Council in coordinating the administrative functions and operations of the various departments;
- H. To procure facts and submit proposals for long-range programs and improvements to the Mayor and the City Council and to make recommendations to the Mayor and the City Council in any matter believed by him to be necessary or expedient;
- I. To investigate and make recommendations to the Mayor and the City Council regarding the duties and the activities of any and all employees of the City over which he exercises jurisdiction and recommend to the Mayor and the City Council the appointment, dismissal, transfer, commendation, promotion, demotion, or suspension of such employees. Appointment, dismissal, transfer, commendation, promotion, demotion, or suspension of such employees will be made by and upon the recommendations of the Mayor and the confirmation of and by the City Council;
- J. To administer through the heads of departments and to be responsible for all departments and divisions of the City government which are under the direction of the Mayor and the City Council including the police and fire departments, except insofar as such jurisdiction and administration conflicts with the Civil Service Law pertaining to such police and fire departments.

The office of the City Attorney and the City Physician shall not come under the administration and responsibility of the City Administrator; said Administrator, however, is to be available to assist these officers in any administrative matter that may arise; and those officers, in turn, shall be available to assist the City Administrator in the discharge of his duties;

- K. To recommend to the Mayor and the City Council the adoption of such measures and ordinances as are deemed necessary or expedient;
- L. To prepare and recommend to the Mayor and the City Council a classification and compensation plan. He shall be the Personnel Officer of the City, and shall keep and maintain appropriate records of the employment status of each employee;
- M. To make investigations into the affairs of the City and any department or division thereof, and any contract, or the proper performance of any obligation pertaining to the City;
- N. To exercise general supervision over all public buildings, streets, and other public property which are under the control and jurisdictions of the Mayor and the City Council;
- O. To prepare and submit to the Mayor and the City Council at the end of each month and the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding period;
- P. To keep the insurable property of the City appropriately insured;
- Q. To serve in any appointed office or head of department within the City government if the need arises; and when appointed thereto by the Mayor and the City Council, to hold and perform the duties thereof at the pleasure of the Mayor and the City Council;

- R. To keep open the office of the City Administrator/Public Works Director for public affairs during days and hours as set by the Mayor and the City Council;
- S. To perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinances or resolutions of the City Council; and where action of the City Council is not required, such duties and powers as may be prescribed by the Mayor.

The City Administrator/Public Works Director shall act as the agent of the Mayor in the discharge of the Administrator/Public Works Director's duties and the superintending and control of all of the officers and the affairs of the City. The City Administrator/Public Works Director shall have no independent power to exercise any policy-making or any legislative functions whatsoever. The City Administrator/Public Works Director may not commit or bind the City to any plan, action, or program requiring official action by the City Council.

(4) CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; COMPENSATION. The salary of the City Administrator/Public Works Director shall be fixed by resolution of the City Council.

(5) CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; BOND. The City Administrator/Public Works Director shall furnish a corporate surety bond to be approved by the City Council. The sum of such bond may be determined by the City Council, and shall be conditioned on the faithful performance of the duties imposed on the City Administrator/Public Works Director as herein described. Bond fee will be paid by the City.

(6) CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; LINE OF AUTHORITY. The City Council and its members shall deal with the administrative services of the City only through the City

Administrator/Public Works Director except for the purpose of inquiry, and neither the City Council nor any members thereof shall give orders to any subordinate of the City Administrator/Public Works Director.

(7) CITY ADMINISTRATOR/PUBLIC WORKS DIRECTOR; EXPENDITURES. The City Administrator/Public Works Director, in the discharge of his duties, shall have the right to expend an amount, not to exceed the limits set by the City Council, when entering into contracts for City work and/or improvements and/or purchase of equipment, without advertising for bids, and within any dollar limitation as set by the City Council, to make any contract on behalf of the City for general purchases, maintenances, and improvements. The expenditure limitations herein is to apply to all departments of the City. (*Ord. No. 319, 9/3/91*) (*Amended by Ord. No. 1-2002, 4/3/02*)

[Editor's Note: The City Administrator/Public Works Director will also have the additional duty of enforcing the Flood Plain Regulations along with the Chief of Police. Flood Plain Regulations are on file in the City Clerk's Office] (*Ord. No. 323, 5/6/87*)

**§1-222 APPOINTED OFFICIALS; ADMINISTRATIVE CO-ORDINATOR.** (1) The Administrative Coordinator shall be appointed by the Mayor and with the consent of a majority of the City Council. Such person shall be under the direction and control of the City Administrator/Public Works Director, and shall be responsible to the City Administrator/Public Works Director for the efficient conduct of his or her office. The Administrative Coordinator may be removed at any time by the Mayor, with the approval of the majority of the City Council.

(2) *Purpose.* The purpose of the office of the Administrative Coordinator is to coordinate City activities from inception to completion under the direction and control of the City Administrator/Public Works Director. (*Ord. No. 1-2002, 4/3/02*)



## Wakefield Code

### 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 BONDS; AMOUNTS.** The following officers shall give a bond in the penal sums set out below:

Municipal Clerk. . . . . \$1,000.00

Municipal Treasurer. . . . . \$5,000.00

**§1-303 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 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, "City of Wakefield, Corporate Seal, "Progress," Wakefield, 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.)*