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CHAPTER 30: ELECTED OFFICIALS; ORDINANCES

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MAYOR**§ 30.01 ELECTION; QUALIFICATIONS; TERM.**

(A) The Mayor shall be elected as provided in the Election Act, Neb. RS 32-101 through 32-1551. The Mayor shall take office on the date of the first regular meeting of the City Council held in December following the statewide general election. The Mayor shall be a resident and registered voter of the city. (Neb. RS 17-107)

(B) The Mayor shall serve for a term of four years or until his or her successor is elected and qualified. (Neb. RS 32-533)

§ 30.02 POWERS AND DUTIES.

(A) (1) The Mayor shall preside at all meetings of the City Council.

(2) (a) The Mayor may vote on any matter that requires either a majority vote of the City Council or a majority vote of all the elected members of the City Council if:

1. The Mayor's vote is required due to the City Council members being equally divided; or

2. A majority of the City Council members or majority vote of all the elected members cannot be reached due to the absence, vacancy, or abstention of one or more City Council members.

(b) For the purpose of such vote, the Mayor is deemed to be a member of the City Council.

(3) The Mayor shall have superintendence and control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with.

(Neb. RS 17-110)

(B) The Mayor shall have the power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim.

(1) If the Mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it, and it shall become effective.

(2) If the Mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriation or claims, he or she shall return it to the City Council stating that the measure is vetoed. The Mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the Mayor issues the veto after the meeting, the Mayor shall notify the City Clerk of the veto in writing. The Clerk shall notify the City Council in writing of the Mayor's veto. Any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the Mayor may be passed over his or her veto by a vote of two-thirds of the members of the Council. If the Mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim, but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The Mayor may veto any item or items of any appropriation bill or any claims bill and approve the remainder thereof, and the item or items vetoed may be passed by the Council over the veto as in other cases.
(Neb. RS 17-111)

(C) The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the police, health, security, ornament, comfort, and general prosperity of the city.
(Neb. RS 17-112)

(D) The Mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make reports to the Council, in writing, touching any subject or matter pertaining to his or her office.
(Neb. RS 17-113)

(E) The Mayor shall have such jurisdiction as may be vested in him or her by ordinance over all places within five miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within the extraterritorial zoning jurisdiction of the city.
(Neb. RS 17-114)

(F) The Mayor shall have the power to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the ordinances of the city.
(Neb. RS 17-117)

(G) The Mayor shall hold no other elective or appointive office or employment with the city.

(H) The Mayor shall sign the City Clerk's minutes of all meetings of the City Council, and he or she shall sign all resolutions that have been passed and warrants for the payment of money when ordered by the Council.

(I) The Mayor shall have such other duties as are reposed in the Mayor by the laws of the state or as the Council may by resolution confer upon the Mayor.

Statutory reference:

Restrictions on holding other office or employment, see Neb. RS 17-108.02, 32-109, 32-603, and 32-604

§ 30.03 VACANCY.

(A) The office of Mayor shall be vacant upon the happening of any of the events specified in Neb. RS 32-560 except as provided in Neb. RS 32-561.

(B) (1) In case of any vacancy in the office of Mayor, or in case of his or her disability or absence, the President of the City Council shall exercise the office of Mayor for the unexpired term until such disability is removed, or in case of temporary absence, until the Mayor returns.
(Neb. RS 32-568)

(2) If the President of the Council assumes the office of Mayor for the unexpired term, there shall be a vacancy on the Council.
(Neb. RS 17-107, 32-568)

Statutory reference:

Additional and similar provisions, see Neb. RS 32-560 through 32-572
Ineligibility of person subjected to recall, see Neb. RS 32-1308

CITY COUNCIL

§ 30.15 ELECTION; QUALIFICATIONS; TERMS.

(A) The City Council shall consist of not less than four nor more than 12 residents of the city who are registered voters.
(Neb. RS 17-103)

(B) All Council members shall be nominated and elected on a nonpartisan ballot unless the city provides for a partisan ballot by ordinance.
(Neb. RS 32-557)

(C) If members of the Council are not elected at large:

(1) Unless the city elects Council members at large as provided in Neb. RS 32-554, the city shall be divided into not less than two nor more than six wards as provided by ordinance of the City Council. Each ward shall contain, as nearly as practicable, an equal portion of the population; (Neb. RS 17-102)

(2) Unless the city elects Council members at large as provided in Neb. RS 32-554, each ward of the city shall have at least two Council members elected in the manner provided in the Election Act, Neb. RS 32-101 et seq. No person shall be eligible to the office of Council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter; and (Neb. RS 17-104)

(3) Such wards shall be substantially equal in population as determined by the most recent federal decennial census. (Neb. RS 32-553)

(D) The term of office shall begin on the first regular meeting of the Council in December following the statewide general election. (Neb. RS 17-104)

(E) Members of the Council shall serve for terms of four years or until their successors are elected and qualified. (Neb. RS 32-533)

(F) If the city operates under a city manager plan, members of the City Council shall be residents and registered voters of the city and shall hold no other employment with the city. Any Council member who ceases to possess any of the qualifications required by this section or who has been convicted of a felony or of any public offense involving the violation of the oath of office of such member while in office shall forthwith forfeit such office. (Neb. RS 19-613)

Statutory reference:

Ability to elect Council members at large or by ward, see Neb. RS 32-554

Other requirements for wards, see Neb. RS 32-552 and 32-553

Restrictions on holding other office or employment, see Neb. RS 17-108.02, 32-109, 32-603, and 32-604

§ 30.16 PRESIDENT; ACTING PRESIDENT.

(A) The City Council shall elect one of its own body who shall be styled the President of the Council and who shall preside at all meetings of the Council in the absence of the Mayor.

(B) In the absence of the President, the Council shall elect one of its own body to occupy his or her place temporarily, who shall be styled Acting President of the Council.

(C) The President and Acting President, when occupying the place of the Mayor, shall have the same privileges as other members of the Council; and all acts of the President or Acting President, while so acting, shall be as binding upon the Council and upon the city as if done by the Mayor.
(Neb. RS 17-148)

§ 30.17 STANDING COMMITTEES.

At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the Council may create by ordinance or resolution. The membership of such standing committees may be changed at any time by the Mayor. The Mayor shall be an ex officio member of each standing committee. The members of the standing committees shall serve a term of office of one year unless reappointed.

§ 30.18 VACANCY; GENERAL PROVISIONS.

(A) The office of a member of the City Council shall be vacant upon the happening of any of the events specified in Neb. RS 32-560, except as provided in Neb. RS 32-561.

(B) Any vacancy on the City Council shall be filled as provided in division (C) below.
(Neb. RS 32-568)

(C) (1) (a) Except as otherwise provided in division (C)(2) or (C)(3) below or § 30.03, vacancies in city elective offices shall be filled by the Mayor and Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or by posting in three public places in the city the office vacated and the length of the unexpired term.

(b) The Mayor shall call a special meeting of the Council or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time, the Mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The Council shall vote upon the nominee, and if a majority votes in favor of the nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the Mayor shall, at the next regular

or special meeting, submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the Mayor shall continue at that meeting to submit the names of qualified registered voters in nomination, and the Council shall continue to vote upon the nominations at such meeting until the vacancy is filled. The Mayor shall cast his or her vote for or against the nominee in case of a tie vote of the Council. All Council members present shall cast a ballot for or against the nominee. Any member of the Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if that person were elected.

(2) The Mayor and Council may, in lieu of filling a vacancy in a city elected office as provided in division (C)(1) above, call a special city election to fill such vacancy.

(3) If vacancies exist in the offices of one-half or more of the members of the City Council, the Secretary of State shall conduct a special city election to fill such vacancies. Candidates for such special election shall file a candidate filing form pursuant to § 34.07(C).

(Neb. RS 32-569)

Statutory reference:

Additional and similar provisions, see Neb. RS 32-560 through 32-572

Ineligibility of person subjected to recall, see Neb. RS 32-1308

§ 30.19 VACANCY DUE TO UNEXCUSED ABSENCES.

(A) In addition to the events listed in Neb. RS 32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the Council unless the absences are excused by a majority vote of the remaining members.

(Neb. RS 19-3101)

(B) The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either:

- (1) A written request from the member submitted to the City Clerk; or
- (2) A motion of any other Council member.

(C) If a Council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the City Clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the Council shall set a date for a hearing and direct the City Clerk to give the member notice of the hearing by personal service or by first-class mail to the member's last known address.

(D) At the hearing, the Council member shall have the right to present information on why one or more of the absences should be excused. If the Council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the Council.

ORDINANCES, RESOLUTIONS, AND MOTIONS

§ 30.30 GRANT OF POWER.

In addition to its special powers specifically granted by law, the city shall have the power to make all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the state as may be expedient for maintaining the peace, good government, and welfare of the city and its trade and commerce and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding \$500 for any one offense, recoverable with costs.

(Neb. RS 17-505)

Statutory reference:

Adoption of standard codes, see Neb. RS 18-132 and 19-922

Prosecution in county court, see Neb. RS 25-2703

§ 30.31 INTRODUCTION OF ORDINANCES.

Unless the City Council provides otherwise, ordinances shall be introduced by members of the City Council in one of the following ways.

(A) With the recognition of the Mayor, a member may, in the presence and hearing of a majority of the members elected to the City Council, read aloud the substance of the proposed ordinance and file a copy with the City Clerk for future consideration.

(B) With the recognition of the Mayor, a member may present the proposed ordinance to the Clerk, who, in the presence and hearing of a majority of the members elected to the City Council, shall read aloud the substance of the ordinance and file it for future consideration.

§ 30.32 PROCEDURE FOR RESOLUTIONS AND MOTIONS.

Unless the City Council provides otherwise, resolutions and motions shall be introduced in one of the methods prescribed in § 30.31 for the introduction of ordinances. The issue raised by the resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the

guidance of the City 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.

§ 30.33 ORDINANCES; STYLE, TITLE.

(A) *Style.* The style of all city ordinances shall be: "Be it ordained by the Mayor and Council of the City of _____, Nebraska:"
(Neb. RS 17-613)

(B) *Title.* No ordinance shall contain a subject which is not clearly expressed in the title.
(Neb. RS 17-614)

§ 30.34 READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS.

(A) (1) (a) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all elected members of the City Council. The Mayor may vote on any such matter if:

1. The Mayor's vote is required due to the City Council members being equally divided; or
2. A majority vote of all the elected members of the City Council cannot be reached due to absence, vacancy, or abstention of one or more City Council members.

(b) For the purpose of such vote, the Mayor is deemed to be a member of the City Council.

(2) (a) Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the City Council vote to suspend this requirement.

(b) Such requirement shall not be suspended:

1. For any ordinance for the annexation of territory, or the redrawing of boundaries for City Council election districts or wards; or

2. As otherwise provided by law.

(3) In case this requirement is suspended, the ordinance shall be read by title and then moved for final passage.

(4) Three-fourths of the City Council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.
(Neb. RS 17-614)

(B) On the passage or adoption of every bylaw or ordinance and every resolution or order to enter into a contract by the City Council, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the City Council shall be required. All appointments of the officers by the City Council shall be made viva voce, and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public.

(Neb. RS 17-616)

Statutory reference:

Adjustments to boundaries of election districts, see Neb. RS 17-614

§ 30.35 PUBLICATION OR POSTING.

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

(A) In a newspaper in or of general circulation in the city; or

(B) In book, pamphlet, or electronic form.

(Neb. RS 17-613)

Statutory reference:

Additional provisions, see Neb. RS 18-131

§ 30.36 CERTIFICATE OF PUBLICATION OR POSTING.

The passage, approval, and publication or posting of an ordinance shall be sufficiently proved by a certificate under the seal of the city from the City Clerk showing that the ordinance was passed and approved, and when and in what paper the ordinance was published, or when and by whom and where the ordinance was posted.

(Neb. RS 17-613)

Statutory reference:

Passage; rules and regulations, see Neb. RS 17-615

§ 30.37 EFFECTIVE DATE; EMERGENCY ORDINANCES.

(A) Except as provided in § 30.35 and division (B) below, an ordinance for the government of the city which has been adopted by the City Council without submission to the voters of the city shall not go into effect until 15 days after the passage of the ordinance.

(Neb. RS 19-3701)

(B) In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Mayor and the posting thereof in at least three of the most public places in the city. The emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the City Council, and be entered of record on the City Clerk's minutes.

(Neb. RS 17-613)

§ 30.38 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 is repealed, except that an ordinance revising all the ordinances of the city and modifications to zoning or building districts may be adopted as otherwise provided by law.

(Neb. RS 17-614)

Statutory reference:

Modifications to zoning or building districts, see Neb. RS 19-915

Ordinances revising all the ordinances of the city, see Neb. RS 17-614

Requests to detach property from city or village, see Neb. RS 17-614

