

## **CHAPTER 1 – CIVIL ADMINISTRATION**

### **ARTICLE 1 – VILLAGE ADMINISTRATION**

- SECTION 1-101: CORPORATE EXISTENCE**
- SECTION 1-102: OFFICIAL CORPORATE SEAL**
- SECTION 1-103: OATH OF OFFICE**
- SECTION 1-104: BONDS; FORM**
- SECTION 1-105: SALARIES**
- SECTION 1-106: CONFLICT OF INTEREST**

### **ARTICLE 2 – VILLAGE BOARD**

- SECTION 1-201: POWERS**
- SECTION 1-202: NUMBER AND QUALIFICATIONS**
- SECTION 1-203: VACANCY**
- SECTION 1-204: CHAIRPERSON; SELECTION AND DUTIES**
- SECTION 1-205: MEETINGS; DEFINED**
- SECTION 1-206: PUBLIC BODY; DEFINED**
- SECTION 1-207: MEETINGS; RIGHTS OF THE PUBLIC**
- SECTION 1-208: MEETINGS; NOTICE, AGENDA**
- SECTION 1-209: MEETINGS; NOTICE TO NEWS MEDIA**
- SECTION 1-210: MEETINGS; DAY, PLACE, TIME; QUORUM**
- SECTION 1-211: REORGANIZATIONAL MEETING; STANDING COMMITTEES**
- SECTION 1-212: MEETINGS; ORDER OF BUSINESS**
- SECTION 1-213: MEETINGS; PARLIAMENTARY PROCEDURE**
- SECTION 1-214: MEETINGS; MINUTES**
- SECTION 1-215: MEETINGS; VOTES**
- SECTION 1-216: MEETINGS; CLOSED SESSIONS**
- SECTION 1-217: MEETINGS; SPECIAL**
- SECTION 1-218: MEETINGS; EMERGENCY**
- SECTION 1-219: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED**

### **ARTICLE 3 – ORDINANCES, RESOLUTIONS AND MOTIONS**

- SECTION 1-301: GRANT OF POWER**
- SECTION 1-302: ORDINANCES; STYLE**
- SECTION 1-303: ORDINANCES; TITLE**
- SECTION 1-304: ORDINANCES; INTRODUCTION**
- SECTION 1-305: RESOLUTIONS AND MOTIONS; INTRODUCTION**
- SECTION 1-306: PASSAGE**
- SECTION 1-307: VOTES**
- SECTION 1-308: ORDINANCES; PUBLICATION OR POSTING; CERTIFICATE**
- SECTION 1-309: ORDINANCES; EFFECTIVE DATE**

- SECTION 1-310: ORDINANCES; AMENDMENTS AND REVISIONS**
- SECTION 1-311: EMERGENCY ORDINANCES**

**ARTICLE 4 – APPOINTED OFFICIALS**

- SECTION 1-401: APPOINTMENT**
- SECTION 1-402: MERGER OF OFFICES**
- SECTION 1-403: CLERK-TREASURER POSITION CREATED**
- SECTION 1-404: VILLAGE CLERK**
- SECTION 1-405: VILLAGE TREASURER**
- SECTION 1-406: VILLAGE ATTORNEY**
- SECTION 1-407: LAW ENFORCEMENT; CONTRACT WITH COUNTY SHERIFF**
- SECTION 1-408: FIRE CHIEF**
- SECTION 1-409: SPECIAL ENGINEER**
- SECTION 1-410: PUBLIC WORKS COMMISSIONER/UTILITIES SUPERINTENDENT**
- SECTION 1-411: STREET COMMISSIONER**

**ARTICLE 5 – FISCAL MANAGEMENT**

- SECTION 1-501: FISCAL YEAR**
- SECTION 1-502: PUBLIC FUNDS DEFINED**
- SECTION 1-503: DEPOSIT OF FUNDS**
- SECTION 1-504: INVESTMENT OF FUNDS**
- SECTION 1-505: CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS**
- SECTION 1-506: AUTHORITY TO CONTRACT WITH COLLECTION AGENCY**
- SECTION 1-507: CLAIMS**
- SECTION 1-508: WARRANTS**
- SECTION 1-509: EXPENDITURES**
- SECTION 1-510: BOND ISSUES**
- SECTION 1-511: SINKING FUNDS**
- SECTION 1-512: SPECIAL ASSESSMENT FUND**
- SECTION 1-513: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE**
- SECTION 1-514: CONTRACTS; APPROPRIATION**
- SECTION 1-515: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS**
- SECTION 1-516: ANNUAL AUDIT; FINANCIAL STATEMENTS**
- SECTION 1-517: GENERAL FUND**
- SECTION 1-518: EXPENDITURES PRIOR TO ADOPTION OF BUDGET**
- SECTION 1-519: BUDGET STATEMENT; APPROPRIATIONS**
- SECTION 1-520: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED**

- SECTION 1-521: PROPOSED BUDGET STATEMENT**
- SECTION 1-522: PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT RECEIVED FROM TAXATION**
- SECTION 1-523: ADOPTED BUDGET; FILING, CERTIFICATION OF AMOUNT OF TAX**
- SECTION 1-524: REVISION OF BUDGET**
- SECTION 1-525: EMERGENCY; TRANSFER OF FUNDS**
- SECTION 1-526: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION**
- SECTION 1-527: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET**
- SECTION 1-528: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED**
- SECTION 1-529: ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVY**
- SECTION 1-530: GENERAL PROPERTY TAX**
- SECTION 1-532: SALES TAX**
- SECTION 1-531: MOTOR VEHICLE TAX**

**ARTICLE 6 – ELECTIONS**

- SECTION 1-601: VILLAGE BOARD OF TRUSTEES**
- SECTION 1-602: ELECTION OF OFFICERS; CERTIFICATION**
- SECTION 1-603: PARTISAN BALLOT; WHEN ALLOWED; REQUIREMENTS**
- SECTION 1-604: ELECTIONS GENERALLY**
- SECTION 1-605: JOINT, GENERAL; NOTICE**
- SECTION 1-606: SPECIAL ELECTION**
- SECTION 1-607: PETITION CANDIDATES**
- SECTION 1-608: CAUCUS CANDIDATES**
- SECTION 1-609: FILING FEE**
- SECTION 1-610: BALLOTS**
- SECTION 1-611: EXIT POLLS**
- SECTION 1-612: CERTIFICATE OF NOMINATION OR ELECTION**
- SECTION 1-613: RECALL PROCEDURE**

**ARTICLE 7 – PENAL PROVISION**

- SECTION 1-701: VIOLATION; PENALTY**



## CHAPTER 1 – CIVIL ADMINISTRATION

### Article 1 – Village Administration

#### SECTION 1-101: CORPORATE EXISTENCE

The Village of Greenwood, Nebraska, having a population of fewer than 800 inhabitants, is hereby declared to be a village and shall be governed in all respects by the laws regulating villages. (Neb. Rev. Stat. §17-201)

#### SECTION 1-102: OFFICIAL CORPORATE SEAL

The official corporate seal of the Village shall be kept in the office of the village clerk, and may bear the following inscription: "Village of Greenwood, Nebraska, Corporate Seal." The village 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 Village Board and countersigned by him or her. (Neb. Rev. Stat. §17-502)

#### SECTION 1-103: OATH OF OFFICE

A. All officials of the Village, 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."

B. If any such officer is not required to give bond, the oath shall be filed in the office of the secretary of state or with the village clerk.  
(Neb. Rev. Stat. §11-101)

**SECTION 1-104: BONDS; FORM**

A. All official bonds of village officers must be in form, joint and several, and made payable to the Village in such penalty as the Village Board may fix. All official 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 any persons injured by a breach of the conditions of such bonds. The approval of each official bond shall be endorsed upon such bond by the officer approving the same, and no bond shall be filed and recorded until so approved. In place of the individual bonds required to be furnished by municipal officers, a blanket bond or undertaking, or evidence of equivalent insurance, may be given by municipal officers. The Village may pay the premium for the bond or insurance coverage, which shall be, at a minimum, an aggregate of the amounts fixed by law or by the Village Board and with such terms and conditions as may be required.

B. All official bonds of local officers shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county in which such bonds are given; or any official bond of a local officer may be executed by the officer as principal and by a guaranty, surety, fidelity or bonding company as surety, or by two or more of such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a county, precinct or other local officer.

C. Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the following time: (1) of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election; (2) of all appointed officers, within 30 days after their appointment; and (3) of officers elected at any special election and village officers, within 30 days after the canvass of the votes of the election at which they were chosen. The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, Section 5, of the Constitution of Nebraska.

D. The officers with whom any official bonds are required by law to be filed shall carefully record and preserve the same in their respective offices and shall give certified copies thereof, when required, under the seal of their office, and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases.

E. If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by Neb. Rev. Stat. §11-101 to 11-122, the provisions of Neb. Rev. Stat. §11-115 shall apply.

F. Any person appointed to fill a vacancy, before entering upon the duties of

the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided. When the incumbent of an office is re-elected or re-appointed, he or she shall qualify by taking the oath and giving the bond as above directed.

(Neb. Rev. Stat. §11-103 to 11-105, 11-109 to 11-112, 11-115 to 11-117, 17-604)

## **SECTION 1-105: SALARIES**

A. The salaries of elected and appointed officials shall be set by ordinance and kept on file in the office of the village clerk, available to the public for inspection during office hours.

B. The compensation of any elective official of the Village shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the Village Board, 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.

C. No elected official may be rehired at a greater salary if he or she resigns and desires to be rehired during the unexpired term of office. Said official may be rehired after the term of office during which he or she resigned at a greater salary. All salaries shall be set by ordinance of the Village Board and will be available for public inspection at the office of the village clerk.

(Neb. Rev. Stat. §17-209, 17-612)

## **SECTION 1-106: CONFLICT OF INTEREST**

A. For purposes of this section, "officer" shall mean (1) any member of any board or commission of the Village; (2) any appointed official if such village official serves on a board or commission which spends and administers its own funds and is dealing with a contract made by such board or commission; or (3) any elected village official.

B. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

C. No officer of the Village shall be permitted to benefit from any contract to which the Village is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the Village or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Village has

benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or a business association which shall mean a business: (a) in which the individual is a partner, director, or officer or (b) in which the individual or a member of the Individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest or
2. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

D. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;
2. Does not vote on the matter of granting the contract, except that if the number of members of the body declaring an interest in the contract would prevent the body, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
3. Does not act for the governing body as to inspection or performance under the contract in which he or she has an interest.

E. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any village by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsection (D)(1) through (3) above, if an officer's parent, spouse or child is an employee of the Village, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special attire. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsection (F)(1) through (5) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an in-



interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Village.

F. The village clerk shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) below about every contract entered into by the Village in which an officer has an interest as specified above for which disclosure is made as provided in subsection (D)(1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the (1) names of the contracting parties; (2) nature of the interest of the officer in question; (3) date that the contract was approved by the Village; (4) amount of the contract; and (5) basic terms of the contract.

G. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours.

H. An open account established for the benefit of any village or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

I. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §49-14.103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

J. The Village may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such village may have an interest.

K. No officer shall receive any pay or perquisites from the Village other than his/or her salary. The Village Board 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 comes within the proper scope of the duties of any officer of the Village.

(Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03)



## Article 2 – Village Board

### SECTION 1-201: POWERS

A. The Board of Trustees shall have the power to pass ordinances; to prevent and remove nuisances; to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within the Village; to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to provide for the inspection of building materials to be used or offered for sale in the Village; to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining and all excavations through and under the sidewalks of the Village; and in addition to the special powers herein conferred and granted, to maintain the peace, good government, and welfare of the Village and its trade, commerce, and manufactories; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding \$500 for any one offense, recoverable with costs. (Neb. Rev. Stat. §17-207)

B. The Village has the power and authority by ordinance to define, regulate, suppress, and prevent nuisances, to declare what constitutes a nuisance, and to abate and remove the same. The Village may exercise such power and authority within its zoning jurisdiction. (Neb. Rev. Stat. §18-1720)

### SECTION 1-202: NUMBER AND QUALIFICATIONS

The Board of Trustees shall consist of five members. Any person who is a citizen of the United States, a resident of the Village at the time of his or her election and a registered voter is eligible to be elected to the board. Every trustee so elected and so qualified shall hold his or her office for a term of four years; provided, a trustee's term shall expire and the office will become vacant upon a change of residence from the Village. All trustees elected to office shall qualify and meet at the first regular meeting of the board in December, organize, and appoint the village officers required by law. (Neb. Rev. Stat. §17-202, 17-203)

### SECTION 1-203: VACANCY

A. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560 except as provided in Neb. Rev. Stat. §32-561. (Neb. Rev. Stat. §32-560)

B. Except as otherwise provided in subsection (C) or (D) of this section, vacancies in elected offices shall be filled by the Village Board for the balance of the unexpired term. Notice of vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Village Board at a regular or special meeting and shall appear as a part of the minutes of such meeting. The board shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or by posting in three public places in

the Village the office vacated and the length of the unexpired term.

C. The chairperson of the Village Board shall call a special meeting or place the issue of filing such vacancy on the agenda at the next regular meeting, at which time the chairperson 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 within four weeks after the meeting at which such notice of vacancy has been presented or within four weeks after the death of the incumbent. The board shall vote upon such nominee and if a majority votes in favor of such 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 chairperson 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 chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the board members shall continue to vote upon such nominations at such meeting until the vacancy is filled. All board members present shall cast a ballot for or against the nominee. Any member of the board who has been appointed to fill a vacancy shall have the same rights, including voting, as if such person were elected.

D. The board may, in lieu of filling a vacancy in the elected office as provided in subsection (A) of this section, call a special election to fill such vacancy.

E. If vacancies exist in the offices of a majority of the members of the Village Board, the secretary of state shall conduct a special election to fill such vacancies.

F. Any vacancy due to a recall election shall be filled as provided in Neb. Rev. Stat. §32-1308.  
(Neb. Rev. Stat. §32-560 through 32-569, 32-1308) (Am. by Ord. No. 326, 6/9/98)

#### **SECTION 1-204: CHAIRPERSON; SELECTION AND DUTIES**

The Village Board chairperson shall be selected at the first regular meeting of the board in December by the board members from their own membership. The chairperson shall preside at all meetings of the board. In the absence of the chairperson, the Board of Trustees shall elect one of its own body to occupy the position temporarily who shall hold the title of chairperson pro tempore of the Board of Trustees. The chairperson and the chairperson pro tempore shall have the same powers and privileges as other members of the Board of Trustees. The chairperson shall cause the ordinances of the board to be printed and published for the information of the inhabitants. The chairperson shall also perform all duties of his or her office in accordance with the laws of the State of Nebraska and the ordinances of the Village. The qualifications for the chairperson shall be the same general qualifications that apply to the members of the Board of Trustees. (Neb. Rev. Stat. §17-202 through 17-210)

#### **SECTION 1-205: MEETINGS; DEFINED**

“Meetings” shall mean all regular, special, or called meetings, formal or informal, of a

public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Neb. Rev. Stat. §84-1409(2))

### **SECTION 1-206: PUBLIC BODY; DEFINED**

A. "Public body" as used in this article shall mean (1) the Village Board; (2) all independent boards commissions, bureaus, committees, councils, sub-units, or any other bodies now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law; and (3) advisory committees of the bodies listed.

B. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent bodies.

(Neb. Rev. Stat. §84-1409(1))

### **SECTION 1-207: MEETINGS; RIGHTS OF THE PUBLIC**

A. Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to Section 1-216 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

B. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting but it may not forbid public participation at all meetings.

C. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

D. No public body shall for the purpose of circumventing the Open Meetings Act hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

E. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

F. Public bodies shall make available at the meeting, for examination and cop-

ying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

(Neb. Rev. Stat. §84-1412)

### **SECTION 1-208: MEETINGS; NOTICE, AGENDA**

A. Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be posted in three public places. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

B. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a Village Board meeting scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. Rev. Stat. §84-1411)

### **SECTION 1-209: MEETINGS; NOTICE TO NEWS MEDIA**

The village clerk 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. (Neb. Rev. Stat. §84-1411)

### **SECTION 1-210: MEETINGS; DAY, PLACE, TIME; QUORUM**

A. The regular meetings of the Village Board shall be held at the municipal chambers in the E.L. McDonald Community Center or in a location directed and posted by the Board of Trustees in the event the center is unavailable. Regular meetings shall be held on the second and last Wednesdays of each month at the hour of 7:00 P.M. (Neb. Rev. Stat. §17-204)

B. At all meetings of the Board of Trustees, a majority of the members shall constitute a quorum to do business. (Neb. Rev. Stat. §17-205)

### **SECTION 1-211: REORGANIZATIONAL MEETING; STANDING COMMITTEES**

A. All trustees elected to office shall qualify and meet on the first regular meeting of the Village Board in December thereafter, organize, elect a chairperson of the

board, and appoint the officers required by law. Board members shall, before entering upon the duties of their office, take an oath to support the Constitutions of the United States and the State of Nebraska and to faithfully and impartially discharge the duties of their office.

B. At the organizational meeting, the chairperson shall appoint members of such standing committees as the board may create by ordinance or resolution. The membership of such committees may be changed at any time by the chairperson, who shall be an *ex officio* member of each standing committee. The members of the committees shall serve terms of office of one year unless reappointed.

(Neb. Rev. Stat. §17-204)

### **SECTION 1-212: MEETINGS; ORDER OF BUSINESS**

Promptly at the hour set by law on the day of each regular meeting, the members of the Village Board, the village clerk, and such other village officials that may be required shall take their regular stations in the meeting place and the business of the Village shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the village clerk.

### **SECTION 1-213: MEETINGS; PARLIAMENTARY PROCEDURE**

A. The chairperson shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the board. When any person is called to order, he or she shall be seated until the point is decided. When the chairperson is putting the question, no person shall leave the meeting room. Every person present shall address himself/herself to the presiding officer and while speaking shall confine himself/herself to the question. When two or more persons request to speak, the chairperson shall recognize the one who spoke first.

B. All resolutions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Village Board. Every member of the board who is present when a question is voted upon shall cast his or her vote unless excused by a majority of the board present. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Village Board making the motion or resolution shall be entered also. After each vote, the "yeas" and "nays" shall be taken and entered in the minutes. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof.

C. When, in the consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question.

**SECTION 1-214: MEETINGS; MINUTES**

The Village Board 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 working days of the meeting or prior to the next convened meeting, whichever occurs earlier, but an additional ten working days shall be allowed if the employee responsible for writing the minutes is absent due to a serious illness or an emergency. (Neb. Rev. Stat. §84-1413)

**SECTION 1-215: MEETINGS; VOTES**

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Village Board 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 voice vote shall be satisfied by utilization of an electronic voting device which allows the “yeas” and “nays” of each board member to be readily seen by the public. The vote to elect leadership within the board may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes. (Neb. Rev. Stat. §84-1413)

**SECTION 1-216: MEETINGS; CLOSED SESSIONS**

A. The Village Board 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:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

C. The vote to hold a closed session shall be taken in open session. The vote



of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, "formal action" shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subsection (A) of this section.

D. Any member of the Village Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the Village Board. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this article.

F. The provisions of this article shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. Rev. Stat. §84-1410)

## **SECTION 1-217: MEETINGS; SPECIAL**

A. Special meetings may be called by the chairperson or by three members of the Board of Trustees, the object of which shall be submitted to the board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the village clerk.

B. On filing the call for a special meeting, the clerk shall notify the members of the board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the board known to be out of the state or physically unable to be present. A majority of the members of the board shall constitute a quorum for the transaction of business but a smaller number may adjourn from

day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

C. At the hour appointed for the meeting, the village clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the board shall be called to order by the chairperson, if present, or if absent, by the chairperson pro tempore. In the absence of both the chairperson and the chairperson pro tempore, the members of the Board of Trustees shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 3 (Ordinances, Resolutions, and Motions) herein.

### **SECTION 1-218: MEETINGS; EMERGENCY**

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 1-209 (Notice to News Media) shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §84-1411)

### **SECTION 1-219: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED**

A. A meeting of an organization created under the Interlocal Cooperation Act or the Village Cooperative Financing Act or of the governing body of a risk management pool or advisory committee organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

1. Reasonable advance publicized notice is given;
2. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;
3. At least one copy of all documents being considered is available to the public at each site of the videoconference;
4. At least one member of the governing body or advisory committee is present at each site of the videoconference; and
5. No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

B. Videoconferencing shall not be used to circumvent any of the public government purposes established in this Article.

C. For purposes of this section, “videoconferencing” shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. Rev. Stat. §84-1409, 84-1411)



## **Article 3 – Ordinances, Resolutions and Motions**

### **SECTION 1-301: GRANT OF POWER**

The Village Board shall have the responsibility of making all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the state laws as may be necessary and proper for maintaining the peace, good government, and welfare of the Village and its trade, commerce, and security. (Neb. Rev. Stat. §17-505)

### **SECTION 1-302: ORDINANCES; STYLE**

The style of all village ordinances shall be: "Be it ordained by the Chairperson and Board of Trustees of the Village of Greenwood, Nebraska." (Neb. Rev. Stat. §17-613)

### **SECTION 1-303: ORDINANCES; TITLE**

No ordinance shall contain a subject not clearly expressed in its title. (Neb. Rev. Stat. §17-614)

### **SECTION 1-304: ORDINANCES; INTRODUCTION**

Ordinances shall be introduced by members of the Village Board in one of the following ways:

A. With the recognition of the chairperson, a board member may, in the presence and hearing of a majority of the members of the Board of Trustees, read aloud the substance of the proposed ordinance and file a copy with the village clerk for future consideration; or

B. With the recognition of the chairperson, a member may present the proposed ordinance to the clerk who, in the presence and hearing of a majority of the board, shall read aloud the substance of the same and file it for future consideration.

### **SECTION 1-305: RESOLUTIONS AND MOTIONS; INTRODUCTION**

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 time in the presence and hearing of a majority of the Village Board. The issues raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the board. The vote on any resolution or motion shall be by roll call vote.

### **SECTION 1-306: PASSAGE**

Ordinances of a general or permanent nature shall be read by title on three different

days unless three-fourths of the Village Board votes to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the Village Board may require a reading of any ordinance in full before enactment under either procedure set out in this section. 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 members elected to the Village Board. (Neb. Rev. Stat. §17-614)

### **SECTION 1-307: VOTES**

On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Village Board, 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 Village Board shall be required. (Neb. Rev. Stat. §17-616)

### **SECTION 1-308: ORDINANCES; PUBLICATION OR POSTING; CERTIFICATE**

All ordinances of a general nature shall be published one time within 15 days after they are passed in some newspaper published in the Village or if no paper is published in the Village, then by posting a written or printed copy in each of three public places in the Village or in book or pamphlet form. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the Village from the village clerk showing that the said ordinance was passed and approved, and when and in what paper the same was published, or when, by whom and where the same was posted. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the Board of Trustees, the same need not be otherwise published and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof. (Neb. Rev. Stat. §17-613)

### **SECTION 1-309: ORDINANCES; EFFECTIVE DATE**

A. All ordinances adopted by the voters of the Village after submission to them by either initiative or referendum petition shall become immediately effective thereafter.

B. No ordinance for the government of the Village which has been adopted without submission to the voters shall go into effect until 15 days after the passage of such ordinance except as provided in Neb. Rev. Stat. §16-405 and 17-613. (Neb. Rev. Stat. §19-3701)

### **SECTION 1-310: ORDINANCES; AMENDMENTS AND REVISIONS**

No ordinance or section thereof shall be revised or amended unless the new ordi-

nance 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 Village and modifications to zoning building districts may be adopted as otherwise provided by law. (Neb. Rev. Stat. §17-614)

### **SECTION 1-311: EMERGENCY ORDINANCES**

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 chairperson and the posting thereof in at least three of the most public places in the Village. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the Village Board and be entered of record on the village clerk's minutes. (Neb. Rev. Stat. §16-405, 17-613)





## **Article 4 – Appointed Officials**

### **SECTION 1-401: APPOINTMENT**

The Village Board may appoint a village clerk, treasurer, attorney, overseer of the streets, and marshal. It shall also appoint a Board of Health. The Village Board shall also appoint such additional officials and employees as it may determine the Village needs. All such appointees shall hold office for one year unless sooner removed by the chairperson of the Board of Trustees by and with the advice and consent of the remainder of the board. If the Village has a water commissioner, he may at any time be removed from office by a two-thirds vote of the board for sufficient cause.

(Neb. Rev. Stat. §17-208, 17-541)

### **SECTION 1-402: MERGER OF OFFICES**

The Village Board may by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. However, trustees may perform, and upon board approval receive compensation for, seasonal or emergency work subject to Neb. Rev. Stat. §49-14,103.01 to 49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-209.02, 49-14,103.01 through 49-14,103.06)

### **SECTION 1-403: CLERK-TREASURER POSITION CREATED**

The appointive offices of village clerk and village treasurer are hereby combined and merged in accordance with the authority granted to the Village Board by Section 1-402. 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.

### **SECTION 1-404: VILLAGE CLERK**

A. The village clerk shall attend the meetings of the Village Board and keep a correct journal of the proceedings of that body. He or she shall make, at the end of the fiscal year, a report of the business of the Village transacted through his or her

office for the year. He or she shall make the proper certificate of passage which shall be attached to original copies of all ordinances hereafter enacted by the Village Board.

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

C. The village clerk shall permit no records, public papers, or other documents of the Village kept and preserved in his or her office to be taken therefrom, except by such officers of the Village as may be entitled to the use of the same but only upon their leaving a receipt therefor. He or she shall keep all the records of his or her office, including a record of all licenses issued, in a blank book with a proper index. He or she shall include as part of the village records all petitions under which the Village Board shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in the records shall be all standard codes, amendments thereto and other documents incorporated by reference and arranged in a manner convenient for reference.

D. The village clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during village office hours.

E. The village clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the chairperson for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said persons. With the seal of the Village, he or she shall duly attest the chairperson's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the Village Board.

F. Within 30 days after any meeting of the board, the village clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the Village and which was duly designated as such by the Village Board. 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.

G. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the General Fund. He or she shall then keep in a book with a proper index copies of all notices required to be published or posted by the village clerk by order of the Village Board or under the ordinances of the Village. 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 village clerk's certificate under seal where the same are required to be posted only.

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

I. The village clerk may charge a reasonable fee for certified copies of any record in the office as set by resolution of the Village Board. He or she shall destroy village records under the direction of the State Records Board pursuant to Neb. Rev. Stat. §84-1201 through 84-1220; provided, the Village Board shall not have the authority to destroy the minutes of the village clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

## **SECTION 1-405: VILLAGE TREASURER**

A. The treasurer of the Village shall be the custodian of all money belonging to the corporation, keeping a separate account of each fund or appropriation and the debts and credits belonging thereto. The treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. The treasurer shall also file copies of such receipts with his or her monthly reports and shall, at the end of every month and as often as may be required, render an account to the Village Board, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. The treasurer shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid, which warrants, with any and all vouchers held, shall be filed with his or her account in the clerk's office. If the treasurer fails to render an account within 20 days after the end of the month or by a later date established by the Village Board, the chairperson, with the advice and consent of the board members, may use this failure as cause to remove the treasurer from office.

B. The treasurer shall keep a record of all outstanding bonds against the Village, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The annual statement submitted pursuant to Neb. Rev. Stat. §19-1101 shall be accompanied with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

C. The treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held as village treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the Village Board for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as a member of the Village Board, as a member of a board of public works, or as any other officer of such municipality shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

D. The board shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured or guaranteed by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The board shall approve such bond or giving of security. The village treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

E. When the treasurer holds funds of the Village in excess of the amount required for maintenance or set aside for betterments and improvements, the chairperson and Village Board may, by resolution, direct and authorize said treasurer to invest said surplus funds in the outstanding bonds or registered warrants of said village, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which said bonds or warrants were purchased.

F. The chairperson and Village Board may, by resolution, direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the Village.

G. It shall be the duty of the treasurer to prepare and publish annually within 60 days following the close of its municipal fiscal year a statement of the receipts and expenditures of funds of the Village for the preceding fiscal year. Not more than the legal rate provided for in Neb. Rev. Stat. §33-141 shall be charged and paid for such publication.

(Neb. Rev. Stat. §17-606 through 17-609, 19-1101)

#### **SECTION 1-406: VILLAGE ATTORNEY**

The village attorney shall be the legal advisor of the Village Board. He or she shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the corporations or that may be ordered by the board. When requested, he or she shall attend meetings of the board and give the members his or her opinion upon any matters submitted to him or her, either orally or in writing, as may be required. He or she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required and shall perform such other duties as may be imposed upon him or her by general law or ordinance. The Village Board shall have the right to pay the village attorney compensation for legal services performed on such terms as the board and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the Village. (Neb. Rev. Stat. §17-610)

#### **SECTION 1-407: LAW ENFORCEMENT; CONTRACT WITH COUNTY SHERIFF**

The Village may enter into a contract with the County Board of Cass County for police and law enforcement services to be provided by the Cass County Sheriff's Office. Whenever any such contract has been entered into, the sheriff or his deputy shall, in addition to his other powers and duties, have all the powers and duties of the village police chief within and for the Village. A minimum of one copy of such contract shall be on file at the office of the village clerk and available for public inspection during office hours. When appointed as the chief law enforcement officer, the county sheriff shall direct the police work of the Village and shall be responsible for the maintenance of law and order; act as health inspector except in the event the Village appoints another person; file the necessary complaints in cases arising out of violations of village ordinances; and make all necessary reports required by the village ordinances or state laws. (Neb. Rev. Stat. §17-213)

#### **SECTION 1-408: FIRE CHIEF**

The duties of the fire chief shall be as provided in Section 8-105 herein.

#### **SECTION 1-409: SPECIAL ENGINEER**

The Village Board may employ a special engineer to make 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 Village. He shall, when directed by the Village

Board, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Village Board. He shall, upon request of the board, make estimates of the costs of labor and material which may be done or furnished by contract with the Village and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings. He shall perform such other duties as the Village Board may require. All records of the special engineer shall be public records which shall belong to the Village and shall be turned over to his successor. (Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

### **SECTION 1-410: PUBLIC WORKS COMMISSIONER/UTILITIES SUPERINTENDENT**

A. In the event that there is another village utility in addition to the village waterworks, a public works commissioner, also called utilities superintendent, shall be appointed annually at the first regular meeting of the Village Board in December to manage the said utilities. The commissioner may at any time, for sufficient cause, be removed by a two-thirds vote of the Village Board. Any vacancy occurring in the office by death, resignation, removal from office, or removal from the Village may be filled in the manner provided in this section for the appointment of such commissioner.

B. The public works commissioner shall, before entering upon the discharge of his duties, execute a bond or provide evidence of equivalent insurance to the Village in a sum to be fixed by the board, but not less than \$5,000.00, conditioned upon the faithful discharge of his duties, and such bond shall be signed by two or more good and sufficient sureties, to be approved by the board or executed by a corporate surety. The commissioner, subject to the supervision of the Village Board, shall have the general management and control of the following village utilities and shall have such other duties as prescribed by the board:

#### *Water Department*

The public works commissioner shall have general supervision and control over the village 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 Village. The commissioner shall have the general control and supervisory authority over all employees of the water system which the Village Board may from time to time hire to operate and maintain the said system. He shall make a detailed report to the board at least once every six 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 months. No money shall be expended for improvements,

repairs, or extensions of the said waterworks system except upon the recommendation of the commissioner.

Sewer Department

The public works commissioner shall have the immediate control and supervision over all the employees and property that make up the village sewer system. He shall, at least every six months, make a detailed report to the Village Board 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 inspect and supervise all repairs made to the said system.

(Neb. Rev. Stat. §17-541, 17-543)

**SECTION 1-411: STREET COMMISSIONER**

The street commissioner shall, subject to the orders and directives of the Village Board, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Village. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. At the request of the Village Board he shall make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the Village and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Village, along with an estimate of the cost thereof. He shall perform such other duties as the Village Board may require. (Neb. Rev. Stat. §17-214)





## **Article 5 – Fiscal Management**

### **SECTION 1-501: FISCAL YEAR**

The fiscal year of the Village and any public utility of the Village commences on October 1 and extends through the following September 30 except as provided in the Village Proprietary Function Act. (Neb. Rev. Stat. §17-701)

### **SECTION 1-502: PUBLIC FUNDS DEFINED**

“Public funds” shall mean all money, including nontax money, used in the operation and functions of governing bodies. For purposes of a village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the Village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503)

### **SECTION 1-503: DEPOSIT OF FUNDS**

A. The Village Board, at its first meeting in each fiscal year, shall designate some one or more banks or capital stock financial institutions of approved and responsible standing in which the village treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as village treasurer. If one or more banks or capital stock financial institutions are located in the Village which apply for the privilege of keeping such money and give bond or give security for the repayment of deposits as provided in this section, such banks or capital stock financial institutions shall be selected as such depositories. The village treasurer shall not give a preference to any one or more of them in the money he or she may so deposit.

B. The Village Board shall require from all banks or capital stock financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The Village Board shall approve such bond or giving of security. The village treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. The fact that a stockholder, director, or other officer of such bank or capital stock financial institution is also serving as a member of the Village Board or as any other officer of the Village shall not disqualify such bank or capital stock financial institution from acting as a depository for such municipal funds.

C. The insurance afforded to depositors in banks or capital stock financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation. For deposits so insured, no other surety bond or other security shall be

required. The provisions of Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions.

D. The village treasurer may deposit the funds received and held by him or her by virtue of such office with a cooperative credit association situated within the boundaries of the county, or a county adjoining thereto where the Village is situated, if the Village is the depositor, as well as in a commercial state or national bank if the cooperative credit association performs all the conditions precedent required by the laws of this state of commercial state and national banks to qualify them to receive deposits of such public funds. It shall not be necessary for the Village, in making such a deposit of public funds, to purchase shares in such cooperative credit association or become a member thereof and such a cooperative credit association is hereby authorized and empowered to receive such money under such conditions.

(Neb. Rev. Stat. §17-607, 77-2362 through 77-2364, 77-2386 through 77-2397) (Am. by Ord. No. 335, 6/9/98)

#### **SECTION 1-504: INVESTMENT OF FUNDS**

Whenever the Village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Village Board may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Neb. Rev. Stat. §17-608, 17-609, 77-2341)

#### **SECTION 1-505: CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS**

The village treasurer may, upon resolution of the Village Board authorizing the same, purchase certificates of deposit from and make time deposits in any bank or capital stock financial institution in the State of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation and the amount of the excess deposit shall be secured by a bond or by security given in the manner provided in this section The provisions of Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. (Neb. Rev. Stat. §17-720) (Am. by Ord. No. 336, 6/9/98)

#### **SECTION 1-506: AUTHORITY TO CONTRACT WITH COLLECTION AGENCY**

A. The Village may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the Village.

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless there has been an attempt to advise the debtor by first-

class mail, postage prepaid, at his or her last known address of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid and at least 30 days have elapsed from the time the notice was sent.

C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

D. For purposes of this section, "debt" shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. Rev. Stat. §45-623)

### **SECTION 1-507: CLAIMS**

All claims against the Village shall be presented to the Village Board 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 Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board 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 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn, provided that in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

### **SECTION 1-508: WARRANTS**

All warrants drawn upon the village treasury must be signed by the village chairperson and countersigned by the village 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 of such fund. (Neb. Rev. Stat. §17-711)

### **SECTION 1-509: EXPENDITURES**

No village official shall have the power to appropriate, issue, or draw any order or warrant on the village 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 Village shall exceed in any one year the amount provided for that improvement in the adopted budget statement. (Neb. Rev. Stat. §17-708)

**SECTION 1-510: BOND ISSUES**

The Village Board 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 board 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. (Neb. Rev. Stat. §10-209 through 10-411, 10-606 through 10-612, 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, 23-3513, 39-836)

**SECTION 1-511: SINKING FUNDS**

A. The Village Board, 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 Village 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 Village, 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 Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village 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

B. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village. 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 Village Board 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 village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board 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 Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

(Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

**SECTION 1-512: SPECIAL ASSESSMENT FUND**

All money received on special assessments shall be held by the village 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 Village for money expended for any such improvement. (Neb. Rev. Stat. §17-

710)

### **SECTION 1-513: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE**

The Village shall have the authority to collect the special assessments which it levies and perform all other necessary functions related thereto, including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon. The Village shall file notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds; and file a release of assessment upon final payment of each assessment with the register of deeds. (Neb. Rev. Stat. §18-1216)

### **SECTION 1-514: CONTRACTS; APPROPRIATION**

No contracts shall hereafter be made by the Board of Trustees or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the Village, whether the object of the expenditures shall be ordered by the board or not, unless an appropriation shall have been previously made concerning such expense or the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §17-708, 17-709)

### **SECTION 1-515: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS**

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the Village, no contract costing over \$30,000.00 shall be made for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, unless it is first approved by the Village Board.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the Village Board makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the village engineer and submitted to the Village Board. In advertising for bids as provided in subsections (C) and (E) of this section, the board may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over

\$30,000.00 entered into for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or for the purchase of equipment used in the construction of such enlargement or general improvements.

D. A village electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. \$30,000.00 or less;
2. \$60,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00;
3. \$90,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
4. \$120,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

E. The advertisement provided for in subsection (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the Village and if there is no legal newspaper published in or of general circulation in the Village, then in some newspaper of general circulation published in the county in which the Village is located, and if there is no legal newspaper of general circulation published in the county in which the Village is located, then in a newspaper designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the Village or County or if no newspaper has general circulation in the County, then by posting a written or printed copy thereof in each of three public places in the Village at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the Village Board and entered of record.

F. If, after advertising for bids as provided in this section, the Village Board receives fewer than two bids on a contract or if the bids received by the board contain a price which exceeds the estimated cost, the board may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the Village, the board may authorize the manufacture and assemblage of such materials

and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

H. Any village bidding procedure may be waived by the Village Board when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §81-145 to 81-162 or when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

I. Notwithstanding any other provisions of law or a home rule charter, a village which has established by an interlocal agreement with any county a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection, (1) "personal property" includes but is not limited to supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and (2) "purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means (Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756) (Am. by Ord. No. 337, 6/9/98)

## **SECTION 1-516: ANNUAL AUDIT; FINANCIAL STATEMENTS**

A. The Village Board shall cause an audit of the village 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 Village Board. The said audit shall be completed and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit no fewer than three copies of the audit report to the Village Board. 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 800, and the results of such audits shall appear separately in the annual audit report. 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 Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall be filed with the village clerk, becoming a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor of public accounts.

B. Any village may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the auditor of public accounts in a form prescribed by him. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the village clerk and shall at all times thereafter be open and subject to public inspection. Every Village Board that is required herein to submit to an audit of its accounts shall provide and file with the village clerk, not later than August 1 of each year, fi-

financial statements showing its actual and budgeted figures for the most recently completed fiscal year.

(Neb. Rev. Stat. §19-2901 through 19-2909, 13-606)

#### **SECTION 1-517: GENERAL FUND**

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the general fund.

#### **SECTION 1-518: EXPENDITURES PRIOR TO ADOPTION OF BUDGET**

A. On and after the first day of its fiscal year until the adoption of the budget in September, the Village Board may expend any balance of cash on hand for the current expenses of the Village. Except as provided in subsection (B) of this section, such expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

B. The restriction on expenditures in subsection (A) of this section may be exceeded upon the express finding of the Village Board that expenditures beyond the amount authorized are necessary to enable the Village to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the Village Board in open public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the Village in excess of that authorized by any other statutory provision.

(Neb. Rev. Stat. §13-509.01, 13-509.02)

#### **SECTION 1-519: BUDGET STATEMENT; APPROPRIATIONS**

The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, 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 Village. (Neb. Rev. Stat. §17-706)

#### **SECTION 1-520: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED**

For the purpose of proper budget preparation, the *City/Village Budget Form* and the *Budget Form Instruction Manual*, prepared by the state auditor of public accounts, are incorporated by reference.

#### **SECTION 1-521: PROPOSED BUDGET STATEMENT**

A. The Village Board shall, not later than August 1 each year on forms pre-



scribed and furnished by the Nebraska state auditor, prepare in writing and file with the village clerk a proposed budget statement containing the following:

1. For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxes allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditure for each fund.
2. For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from personal and real property taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget adopted for such fund exclusive of capital outlay items.
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items.
4. A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property for the purpose of paying the principal or interest on bonds issued by the Village Board and for all other purposes.
5. A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Village Proprietary Function Act and a grand total of all funds maintained by the Village Board.

6. A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Village Proprietary Function Act. (See Section 1-526 herein.)

B. The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the Village as well as any funds held by the county treasurer for the Village and shall be accurately stated on the proposed budget statement.

C. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property, shall equal the amount to be received from taxes and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. Rev. Stat. §13-504, 13-505) (Am. by Ord. No. 328, 6/9/98)

#### **SECTION 1-522: PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT RECEIVED FROM TAXATION**

A. The Village Board shall each year conduct a public hearing on the proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the Village. After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing.

B. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the Village Board and (2) the amount to be received for all other purposes.

C. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption in the manner provided in this section but without provision for hearing, setting forth the items changed and the reasons for such changes. When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. Rev. Stat. §13-506, 13-507) (Am. by Ord. No. 329, 6/9/98)

**SECTION 1-523: ADOPTED BUDGET; FILING, CERTIFICATION OF AMOUNT OF TAX**

A. The Village Board shall file with and certify to the levying board on or before September 20 each year and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax required to fund the adopted budget, setting out separately (1) the amount to be levied for the payment of principal or interest on bonds issued by the Village Board and (2) the amount to be levied for all other purposes. Proof of publication shall be attached to the statements.

B. The Village Board, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year that is still pending. Except for such allowances, the Village Board shall not certify an amount of tax more than 1% greater or lesser than the amount determined in the proposed budget statement.

C. The Village Board may designate one of its members to perform any duty or responsibility required of such body by this section.  
(Neb. Rev. Stat. §13-508) (Am. by Ord. No. 330, 6/9/98)

**SECTION 1-524: REVISION OF BUDGET**

A. Unless otherwise provided by law, the Village Board may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal whenever during the current fiscal year it becomes apparent to the Village Board that:

1. There are circumstances which could not reasonably, have been anticipated at the time the budget for the current year was adopted;
2. The budget adopted violated Neb. Rev. Stat. §13-518 to 13-522 such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. Rev. Stat. §13-518 to 13-522; or
3. The Village Board has been notified by the state auditor of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

B. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the

Village Board's jurisdiction. Such published notice shall set forth the following:

1. The time and place of the hearing;
2. The amount in dollars of additional or reduced money required and for what purpose;
3. A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner; and
4. A copy of the summary of the originally adopted budget previously published.

C. At such hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

D. Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the Village Board, the board shall file with the county clerk and with the state auditor a copy of the revised budget, as adopted, and shall certify the revised amount of tax to be levied. The Village Board may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

E. Within 30 days after the adoption of the budget under Neb. Rev. Stat. §13-506, the Village Board may, or within 30 days after notification of an error by the state auditor, the board shall, correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the Village Board shall file a copy of the corrected budget with the county clerk and with the state auditor. The board may then issue warrants in payment for expenditures authorized by the budget.

(Neb. Rev. Stat. §13-511)

## **SECTION 1-525: EMERGENCY; TRANSFER OF FUNDS**

Whenever during the current fiscal year or biennial period it becomes apparent to the Village Board that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the board may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund. No expenditure during any fiscal year or biennial period shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in Neb. Rev. Stat. §13-511, or

by state law. Any officer or officers of any governing body who obligates funds contrary to the provisions of this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §13-510)

**SECTION 1-526: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION**

A. Pursuant to the Village Proprietary Function Act, the Village Board may prepare a proprietary budget statement for its proprietary functions separate and apart from its village budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, "proprietary function" shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the Village.

B. The Village Board may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the Village's general fund shall have the same fiscal year as the Village. For purposes of this section, "subsidization" shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the Village's general fund in excess of the amount paid by the Village to the proprietary function for actual service or services received.

C. If the Village does not include its proprietary functions in its budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the state auditor and filed with the village clerk at least 30 days prior to the start of the fiscal year of each proprietary function, containing the following information:

1. For the immediately preceding fiscal year, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and amount of actual expenditure;
2. For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever applicable, to be available at the beginning of the year, amounts proposed to be expended during the fiscal year, and amount of cash reserve based on actual experience of prior years; and

4. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

D. Such statement shall contain the estimated cash reserve each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon actual experience of prior years.

E. After the proposed proprietary budget statement is filed with the village clerk, the Village Board shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the village clerk during normal business hours shall be published at least five days prior to the hearing in a newspaper of general circulation within the Village Board's jurisdiction or by mailing each resident within the board's jurisdiction.

F. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the village clerk within 20 days after its adoption and published in a newspaper of general circulation within the Village Board's jurisdiction or by mailing to each resident within the board's jurisdiction.

G. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the Village Board shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the village clerk and published in a newspaper of general circulation within the Village Board's jurisdiction or by mailing to each resident within the board's jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

H. Any income from a proprietary function which is transferred to the general fund of the Village shall be shown as a source of revenue in the village budget statement created pursuant to the Nebraska Budget Act.  
(Neb. Rev. Stat. §18-2803 to 18-2808)

#### **SECTION 1-527: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET**

A. The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. Rev. Stat. §77-1601 unless the Board of Trustees passes by a majority vote a

resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the Village at least five days prior to the hearing.

B. The hearing notice shall contain the following information:

1. The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;
2. The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and
3. The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

C. Any resolution setting a tax request under this section shall be certified and forwarded to the county clerk prior to October 14 of the year for which the tax request is to apply.

D. Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606.

(Neb. Rev. Stat. §77-1601.02) (Am. by Ord. No. 333, 6/9/98)

#### **SECTION 1-528: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED**

A. Property tax levies for the support of the Village for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this subsection except as provided in subsections (C) and (D) of this section. The Village may levy a maximum levy of 45 cents per \$100.00 of taxable valuation of property subject to the levy plus an additional 5 cents per \$100.00 of taxable valuation to provide financing for the Village's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. Rev. Stat. §51-201, museum pursuant to Neb. Rev. Stat. §51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. Rev. Stat. §71-1637, or statue, memorial, or monument pursuant to Neb. Rev. Stat. §80-202. Property tax levies for judgments obtained against the Village which require or obligate the Village to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the Village, for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property are not included in the levy limits established by this subsection. The limitations on tax levies provided in this subsection are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this subsection are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. Rev. Stat. §77-1606 unless approved under subsection (C) or (D) of this section.

B. All city airport authorities established under the Cities Airport Authorities Act and community redevelopment authorities established under the Community Development Law may be allocated property taxes as authorized by law which are authorized by the Village and are counted in the Village's levy limit provided by subsection (A) of this section, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property. The Village Board shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The Village Board may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the Village may be exceeded as provided in Neb. Rev. Stat. §77-3444.

C. On or before August 1, all political subdivisions subject to municipal levy authority under this subsection shall submit a preliminary request for levy allocation to the Village Board. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in Neb. Rev. Stat. §77-3444 to exceed the final levy allocation as determined in this subsection.

D. The Village Board shall adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

E. No final levy allocation shall be changed after September 1 except by agreement between both the Village Board and the governing body of the political subdivision whose final levy allocation is at issue.

F. The Village may exceed the limits provided in subsection (A) of this section by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

G. The Village Board may call for the submission of the issue to the voters (1) by passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the board and delivering a copy of the resolution to the election commissioner of every county which contains all or part of the Village or (2) upon receipt of a petition by the county clerk requesting an election signed by at least 5% of the registered voters residing in the Village. The petition shall be in the form as provided in Neb. Rev. Stat. §32-628 through 32-631.



H. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in subsection (A) of this section and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election.

I. The county clerk shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act.

J. Any excess levy authority approved under this subsection shall terminate pursuant to its terms, on a vote of the Village Board to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or as provided in subsection (H) of this section, whichever is earliest.

K. The Village Board may pass no more than one resolution calling for an election pursuant to this subsection during any one calendar year. There shall be no limit on the number of elections held pursuant to this subsection which are initiated by petition. The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. Rev. Stat. §77-3444.

L. If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in subsection (A) of this section but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the Village Board shall not impose such tax.

M. In lieu of the election procedures in subsection (C) of this section, the Village may approve a levy in excess of the limits in subsection (A) of this section for a period of one year at a meeting of the residents of the Village, called after notice is published in a newspaper of general circulation in the Village at least 20 days prior to the meeting. At least 10% of the registered voters residing in the Village shall constitute a quorum for purposes of taking action to exceed the limits. If a majority of the registered voters present at the meeting vote in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the County Board prior to October 10 and said board shall authorize a levy as approved by the residents for the year. If a majority of the registered voters present at the meeting vote against exceeding the limits or final allocation, the limit or allocation shall not be exceeded and the Village shall have no power to call for an election under division (C) of this section.

N. The Village may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a

primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

O. The Village Board may call for the submission of the issue to the voters by passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the board and delivering a copy of the resolution to the county clerk or upon request of a petition by the election commissioner requesting an election signed by at least 5% of the registered voters residing in the Village.

P. The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The county clerk shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.

(Neb. Rev. Stat. §77-3442 through 77-3444) (Am. by Ord. No. 332, 6/9/98)

#### **SECTION 1-529: ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVY**

A. The Village Board has decided to certify to the county clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. Rev. Stat. §77-3442, the all-purpose levy shall not exceed the annual levy specified in Neb. Rev. Stat. §19-1309 to be levied upon the taxable valuation of all taxable property in the Village.

B. The amount of the all-purpose levy shall be certified as a single amount for general fund purposes. The Village Board shall allocate the amount raised by the all-purpose levy to the several departments of the Village in its annual budget and appropriation ordinance or in other legal manner as the board deems wisest and best.

C. The Village shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

D. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Village may be made by the Village in addition to the all-purpose levy.

(Neb. Rev. Stat. §19-1309 through 19-1312) (Am. by Ord. No. 334, 6/9/98)

**SECTION 1-530: GENERAL PROPERTY TAX**

The Village Board shall cause to be certified to the county clerk the amount of tax to be levied upon the actual value of all the taxable property of the Village 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.

**SECTION 1-532: SALES TAX**

Pursuant to Neb. Rev. Stat. §77-27,142 and pursuant to approval by the electors of the Village at the general election held on November 7, 2006, a sales tax of 1% is imposed in the Village upon the same transactions within such municipality on which the State of Nebraska is authorized to impose such a tax. (Neb. Rev. Stat. §77-27,142)

**SECTION 1-531: MOTOR VEHICLE TAX**

The Village Board may levy a tax on all motor vehicles owned or used in the Village, which tax shall be paid to the county treasurer when the registration fees as provided in Neb. Rev. Stat. §60-329 to 60-339 are paid. Such taxes shall be credited by the county treasurer to the road fund of the Village. Such funds shall be used by such village for constructing, resurfacing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof for the amortization of bonded indebtedness when created for such purposes. (Neb. Rev. Stat. §18-1214) (Am. by Ord. No. 331, 6/9/98)



## **Article 6 – Elections**

### **SECTION 1-601: VILLAGE BOARD OF TRUSTEES**

A. Board of Trustees members shall be elected from the Village at large unless the registered voters of the Village have voted to elect its board members by wards. Board members shall serve for terms of four years and shall be residents and qualified electors. If the election of board members takes place by wards, each nominee for board member shall be a resident and qualified elector of the ward for which he or she is a candidate and only residents of that ward may sign the candidate's nomination petitions.

B. The members of the Village Board of Trustees shall be elected at the statewide general election as provided in Neb. Rev. Stat. §17-202 and each four years thereafter. Except as provided in such section, the term of each trustee shall be four years or until his or her successor is elected and qualified.  
(Neb. Rev. Stat. §17-202, 17-203, 32-532, 32-554)

### **SECTION 1-602: ELECTION OF OFFICERS; CERTIFICATION**

All village elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 5 of each even-numbered year, the Village Board shall certify to the secretary of state or the election commissioner the name of the Village, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §17-202, 32-404(2), 32-556)

### **SECTION 1-603: PARTISAN BALLOT; WHEN ALLOWED; REQUIREMENTS**

All elective village offices shall be nominated and elected on a nonpartisan basis unless the Village Board provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than 60 days prior to the filing deadline. (Neb. Rev. Stat. §32-557)

### **SECTION 1-604: ELECTIONS GENERALLY**

A. All village issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if village offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise.

B. When the Village holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any

other election by the Village shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the Village.

(Neb. Rev. Stat. §32-404(1), 32-556)

### **SECTION 1-605: JOINT, GENERAL; NOTICE**

The notice of election required to be published by the county clerk no less than 40 days prior to an election shall serve as the notice requirement for all village elections which are held in conjunction any other election. (Neb. Rev. Stat. §32-802)

### **SECTION 1-606: SPECIAL ELECTION**

A. Any issue to be submitted to the registered voters at a special election by the Village shall be certified by the village clerk to the county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide primary election and no special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

B. In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the village clerk to the county clerk by March 1 for the primary election and by September 1 for the general election.

C. After the county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the village clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the county clerk shall certify the election results to the Village Board. The canvass by the Canvassing Board shall have the same force and effect as if made by the Village Board.

(Neb. Rev. Stat. §32-559)

### **SECTION 1-607: PETITION CANDIDATES**

A. Petitions for nomination of candidates for Village Board shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. A sample copy of the petition shall be

filed with the filing officer prior to circulation. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the Village and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and petition circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required. Such petitions shall be filed by September 1 in the year of the general election.

B. The filing officer shall verify the signatures according to Neb. Rev. Stat. §32-631. Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to Neb. Rev. Stat. §32-618 a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

C. A candidate placed on the ballot by petition shall be termed a candidate by petition. The words "By Petition" shall be printed upon the ballot after the name of each candidate by petition.

(Neb. Rev. Stat. §32-617)

#### **SECTION 1-608: CAUCUS CANDIDATES**

The Village Board may by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the village election. Such caucus shall be held at least ten days prior to the filing deadline for such election. Notice of such caucus must be published at least once in each of two consecutive weeks prior to said caucus in a newspaper of general circulation in the Village. The village clerk shall notify the person so nominated of his or her nomination and such notification shall take place not less than five days after the said caucus. A candidate so nominated shall not have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she shall have filed with the village clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee if any, for the office for which he or she was nominated. (Neb. Rev. Stat. §17-601.01, 17-601.02)

#### **SECTION 1-609: FILING FEE**

A. Except as provided in subsection (C) or (D) of this section, a filing fee shall be paid to the village treasurer by or on behalf of each candidate prior to filing for office. The fee shall be placed in the general fund of the Village. No candidate filing forms shall be filed until the proper receipt showing payment of such filing fee is presented to the filing officer.

B. All declared write-in candidates shall pay the filing fees that are required for

the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within 10 days after the canvass of votes by the Canvassing Board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

C. No filing fee shall be required on any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500.00 per year.

D. No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office *in forma pauperis*. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. "Available resources" shall include every type of property or interest in property that an individual owns and may convert into cash except:

1. Real property used as a home;
2. Household goods of a moderate value used in the home; and
3. Assets up to a maximum value of \$3,000.00 which are used by a recipient in a planned effort directed towards self-support.

E. If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the Village Board prior to the date of the election. Upon approval of the claim by the board, the filing fee shall be refunded. (Neb. Rev. Stat. §32-608)

### **SECTION 1-610: BALLOTS**

The county clerk shall provide printed ballots for every general village election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Village. (Neb. Rev. Stat. §32-805, 32-1202)

### **SECTION 1-611: EXIT POLLS**

No person shall conduct any exit poll, public opinion poll or any other interview with voters seeking to determine voter preference on Election Day within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

### **SECTION 1-612: CERTIFICATE OF NOMINATION OR ELECTION**

The election commissioner or county clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the County Board has declared to have received the highest vote



for each village office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received at least 5% percent of the total vote cast for the office at the primary election. (Neb. Rev. Stat. §32-558, 32-1033)

### **SECTION 1-613: RECALL PROCEDURE**

A. For purposes of this section, "filing clerk" means the election commissioner.

B. Any member of the Village Board may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.

C. The recall procedure and special election provisions of such sections shall apply to members of the Village Board who are elected by ward. Only registered voters of such member's ward may sign a recall petition or vote at the recall election. The recall election shall be held within the member's ward. When a member of the Village Board is nominated by ward in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

D. A petition demanding that the question of removing a member of the Village Board be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

E. Petition circulators shall conform to the requirements of Neb. Rev. Stat. §32-630.

F. The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed, shall include in typewritten form in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall deliver a copy of the affidavit by certified mail to the official sought to be removed. If the official chooses, he or she may submit a defense statement in typewritten form in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the affidavit. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

G. The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record kept in his or her office the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

H. Petition signers shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

I. Each petition paper shall conform to the requirements of Neb. Rev. Stat. §32-1304.

J. The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators.

K. Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

L. If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the Village Board that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the board shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the Village within 90 days of the expiration of the five-day period, the board shall provide for the holding of the removal election on the same day. After the board sets the date for the recall election, it shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

M. The form of the official ballot at a recall election shall conform to the requirements of Neb. Rev. Stat. §32-1307.

N. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in subsection (S) of this section.

O. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office, which shall be filled as otherwise provided in this section and state law.

P. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the secretary of state or election commissioner shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

Q. If there are vacancies in the offices of a majority or more of the members of the Village Board at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the secretary of state or election commissioner.

R. No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same Village Board during the remainder of his or her term of office.

S. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

(Neb. Rev. Stat. §32-1301 through 32-1309) (Am. by Ord. No. 327, 6/9/98)



## **Article 7 – Penal Provision**

### **SECTION 1-701: 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 an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.