

## Chapter 1

### ADMINISTRATIVE

#### Article 2. Appointed Officials

##### **§1-201 APPOINTED OFFICIALS; APPOINTMENT; TERMS; REMOVAL; POWERS; DUTIES.**

(A)(1) The Board of Trustees may appoint a Village Clerk, Treasurer, Attorney Overseer of the Streets, and Marshal or Chief of Police, and other such officers as shall be required by ordinance or otherwise required by law. Pursuant to division (A)(2) of this section, the Village Marshal or Chief of Police or any other police officer may appeal to the Village Board his or her removal, demotion, or suspension with or without pay. After a hearing, the Village Board may uphold, reverse, or modify the action.

(2) The Village Board of Trustees shall by ordinance adopt rules and regulations governing the removal, demotion, or suspension with or without pay of any police officer, including the Village Marshal or Chief of Police, in accordance with the requirements of section 17-208 RS Neb. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(3) Division (A)(2) of this section does not apply to a police officer during his or her probationary period.

(B) The Village Clerk, Treasurer, Attorney, Overseer of the Streets, members of the Board of Health, and other appointed officers, except regular police officers, shall hold office for one (1) year unless removed by the Chairperson of the Village Board with the advice and consent of the Trustees. (*Ref. 17-208 RS Neb.*)

(C)(1) The Village may enact ordinances or bylaws to regulated and prescribe the powers and duties of officers not provided for in state law. (*Ref. 17-604 RS Neb.*)

(2) If the Board of Trustees appoints any of the officials specified in this Article or any other officials, the officials shall have the powers and duties, if any, provided in this chapter or as otherwise provided by the village ordinances and state law. (*Amended by Ord. Nos. 381, 7/8/97; 597, 1/10/12*)

##### **§1-202 APPOINTED OFFICIALS; MERGER OF OFFICES.**

The Governing Body 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, except that trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to 49-14, 103.01 to 49-14,103.06 RS Neb. 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. (*Ref. 17-209.02, 49-14,103.01 through 49-14,103.06 RS Neb.*)(*Amended by Ord No. 271, 12/11/90*)

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

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

The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

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

(A) The Village Clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the Board of Trustees. After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the Clerk may transfer the journal of the proceedings of the Board of Trustees to the State Archives of the Nebraska State Historical Society for permanent preservation. The Clerk shall also perform such other duties as may be required by ordinances of the Village. (*Ref. 17-605 RS Neb.*)

(B)(1) It shall be the duty of the Clerk to prepare and publish the official proceedings of the Board of Trustees within thirty (30) days after any meeting of the Board of Trustees. The publication shall be in a newspaper of general circulation in the Village, shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one (1) item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in section 23-122 RS Neb. (*Ref. 19-1102 RS Neb.*)

(2) Publication under division (B)(1) shall be made in one (1) legal newspaper of general circulation in the Village. If no legal newspaper is published in the Village, then the publication shall be made in one (1) legal newspaper published or of general circulation within the County in which the Village is located. The cost of publication shall be paid out of the general funds of the Village. (*Ref. 19-1103 RS Neb.*)

(C) The Clerk shall dispose of or destroy village public records when the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to sections 84-1201 through 84-1220 RS Neb., provided the provisions of this division shall not apply to the minutes of the Clerk and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator. (*Ref. 18-701 RS Neb.*)

(D)(1) The Clerk shall permit any person to examine and copy the public records in the Clerk's custody, and may charge a fee for providing copies of a public record, as provided in sections 84-712 through 84-712.09 RS Neb.

(2) The Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Board of Trustees.

(E) The 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 therefore, and except pursuant to section 84-712(2) RS Neb. He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the Board of Trustees shall order public work to be done at the

expense of the property fronting thereupon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds 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.

(F) The Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at such officers, employees, or committees. With the seal of the Village, he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Board of Trustees.

(G) The Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the 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.

(H) The Clerk shall keep in a book with proper index, copies of all notices required to be published or posted by the Clerk by order of the Board of Trustees or under the ordinances of the Village. To each of the file copies of the notices shall be attached the printer's affidavit of publication, if the notices are required to be published, or the Clerk's certificate under seal where the same are required to be posted only.

(I) The 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 the claim is disallowed in part or in whole, the Clerk shall notify the claimant or his or her agent or attorney by letter within five (5) days after the disallowance, and the Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases. *(Amended by Ord. Nos. 297, 3/9/93; 623, 4/8/14)*

#### **§1-205 APPOINTED OFFICIALS; VILLAGE TREASURER.**

(A)(1) The Village Treasurer shall be the custodian of all money belonging to the Village. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The Treasurer shall, at the end of every month, and as often as may be required, render an account to the Board of Trustees, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the Village Clerk's office. If the Treasurer fails to render his or her account within twenty (20) days after the end of the month, or by a later date established by the Board of Trustees, the Chairperson with the advice and consent of the Board may use this failure as cause to remove the Treasurer from office.

(2) 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 Treasurer shall accompany the annual statement submitted pursuant to section 19-1101 RS Neb. with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof. *(Ref. 17-606 RS Neb.)*

(B)(1) The Treasurer shall prepare and publish annually within sixty (60) days after the close of the Village fiscal year a statement of the receipts and expenditures of funds of the Village for the preceding fiscal year. The statement shall also include the information required by section 16-318 (3) or 17-606(2) RS Neb. Not more than the legal rate provided for in section 33-141 RS Neb. shall be charged and paid for such publication. *(Ref. 19-1101 RS Neb.)*

(2) Publication shall be made in one (1) legal newspaper of general circulation in the Village. If no legal newspaper is published in the Village, then such publication shall be made in one (1) legal newspaper published or of general circulation within the County in which the Village is located. *(Ref. 19-1103 RS Neb.)*

(C)(1) All warrants upon the Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in sections 77-2201 through 77-2215 RS Neb. *(Ref. 77-2201 RS Neb.)*

(2) The Treasurer shall keep a warrant register, which register shall show in columns arranged for that purpose the number, the date, and the amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person whose name such warrant is registered is mailed. *(Ref. 77-2202 RS Neb.)*

(3) The Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one (1) of the duplicates to the person making the payment and retain the other in his or her office. *(Ref. 77-2209 RS Neb.)*

(4) The Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess. *(Ref. 77-2210 RS Neb.)*

(5) The cash book, register, and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid. *(Ref. 77-2212 RS Neb.)*

(D) The Treasurer shall permit any person to examine and copy the public records in the Treasurer's custody, and may charge a fee for providing copies of a public record, as provided in sections 84-712 through 84-712.09 RS Neb.

(E) The Treasurer shall keep all money belonging to the Village separate and distinct from his or her own money. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the Village, whenever paid by him or her, by writing or stamping of the face thereof, "Paid by the Village Treasurer", with the date of the payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. *(Amended by Ord. Nos. 485, 5/13/02; 621, 4/8/14)*

**§1-206 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.**

*(Repealed by Ord. No. 485, 5/13/02)*

**§1-207 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT.**

*(Repealed by Ord. No. 485, 5/13/02)*

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

The Municipal Attorney is the Municipality's legal advisor, and as such he shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body, and shall advise any Municipal official in all matters of law in which the interest of the Municipality may be involved. He shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Governing Body will be required to act and attach thereto a brief statement in writing to all such instruments, and documents as to whether, or not, the document is in legal, and proper form. He shall prepare complaints, attend, and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he shall appear, and prosecute all cases for violation of the Municipal ordinances that have been appealed to and are pending in any higher court. He shall also examine, when requested to do so by the Governing Body, the ordinance records, and advise, and assist the Municipal Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage, and approval are concerned. The Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. *(Ref. 17-610 RS Neb.)*

**§1-209 APPOINTED OFFICIALS; VILLAGE MARSHAL.**

The Village Marshal shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector, and Building Inspector, except in the event the Municipality appoints another person. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances, and shall make all necessary reports required by the Municipal ordinances, or the laws of the State of Nebraska. *(Ref. 17-213 RS Neb.)*

**§1-210 APPOINTED OFFICIALS; MUNICIPAL POLICEMAN.** The Municipal Police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska, or the Municipality, by day or by night, and keep the said offenders in the Municipal jail, or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska, or the Municipality. They shall have full power, and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect, or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction of a fine. Every Municipal Policeman shall be expected to be conversant, and knowledgeable with the Municipal and State laws and no law enforcement official shall have any interest in any establishment having a liquor license. Municipal Policemen shall have the duty to file such complaints and reports as may be required by the Municipal ordinances, and the laws of the State of Nebraska. Any Municipal Policeman who shall willfully fail, neglect, or refuse to make an arrest, or who purposely, and willfully fails to make a complaint after an

arrest is made shall be deemed guilty of misdemeanor, and upon conviction shall be fined. It shall be unlawful for the Governing Body to retain any Municipal Policeman in that position after he shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska, or any ordinance of the Municipality, except minor traffic violations. It shall be the duty of every Municipal Policeman making a lawful arrest to search all person in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trail everything found upon the person of such prisoners. App personal effects taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the Municipal Police by the Municipality. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he shall immediately deliver his badge to the Village Marshal. The Governing Body may from time to time provide the Municipal Police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. *(Ref. 17-213, RS Neb.)*

**§1-211 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.** The Municipal Fire Chief shall be elected by the members of the Fire Department. He shall enforce all laws and ordinances covering the prevention of fire; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall, on or before the fires (1<sup>st</sup>) day in April and October of each year, cause the secretary to file with the Municipal Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief, or his assistant in charge of operations at any fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such on order shall be a misdemeanor punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings, and upon the premises within his jurisdiction for the purpose of examining the same for fire hazards, and related dangers. *(Ref. 17-505, 35-102, 35-108, 81-506, 81-512 RS Neb.)*

**§1-212 APPOINTED OFFICIALS; MUNICIPAL ENGINEER.** The Municipal Engineer shall make all surveys, estimates, and calculations necessary to be made for the establishment of any public utilities, and the costs of labor and materials therefor. He shall accurately make all plats, sections, and maps as may be necessary under the direction of the Governing Body. Upon request, he shall make estimates of the cost of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electrical light system, waterworks, power plant, public heating system, bridges, curbing, and gutters and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Governing Body may require. *(Ref. 17-405, 17-568.01, 17-919, 81-839 RS Neb.)*

**§1-213 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT.** A Utilities Superintendent shall be appointed in the event that there is more than one Municipal utility, and the Governing Body determines that it is in the best interest of the Municipality to appoint one official to have the immediate control over all the said Municipal utilities and Municipal streets. The Utilities Superintendent may be removed at any time by the Board. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all Municipal officials. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He shall have the general supervision and control over the Municipal Water System, and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System which the Governing Body may from time to time hire to operate and maintain the said system. He shall make a detailed report to the Governing Body at least once every six (6) months, of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He shall perform such additional duties as may be prescribed by the Governing Body.

Sewer Department

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

Street Department

The Utilities Superintendent shall, subject to the order and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Municipality, and shall perform such other duties as the Governing Body may require. It shall be his responsibility to see that gutters and drains therein function properly, and that the same are kept in good repair. He shall, at the request of the Governing Body make a detailed report to the Governing Body on the condition of the streets, sidewalks, culverts, alleys, and bridges, of the Municipality, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Municipality

along with an estimate of the cost thereof. He shall issue such permits, and assume such other duties as the Governing Body may direct.

Landfill

The Utilities Superintendent shall have the immediate control and supervision over all the property that makes up the Municipal Landfill, subject to the directive and order of the Governing Body.

Parks and Ballfields

The Utilities Superintendent shall maintain all the property that comprises the Municipal Parks and Municipal Ballfields. The Utilities Superintendent shall have all other responsibilities and duties with respect to the Municipal Parks and Municipal Ballfields as the Governing Body shall determine from time to time.

Cemetery, Swimming Pool, Nursing Home

The Utilities Superintendent shall maintain all the property that comprises the Municipal Cemetery, Swimming Pool, and Nursing Home. The Utilities Superintendent shall have all other responsibilities and duties with respect to the Municipal Cemetery, Swimming Pool, and Nursing Home as the Governing Body shall determine from time to time.

*(Ref. 17-214, 17-541, 17-543, 19-1404, 19-2105 RS Neb.)*