

ORDINANCE NO. 2024-2

AN ORDINANCE OF THE CITY OF SEWARD, NEBRASKA, AMENDING CHAPTER 85, PART 2 OF THE SEWARD MUNICIPAL CODE RELATING TO APPOINTED OFFICIALS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEWARD OF SEWARD AS FOLLOWS:

Section 1. That Sections 85-4.1, 85-4.4, 85-4.5; 85-6.1-6.3; 85-7.1-7.6; 85-8.1-8.2; 85-9.2-9.3; 85-10.1; 85-11.1; 85-12.1, 85-12.4; 85-14.1-14.3; and 85-15.1-15.3 of the Municipal Code of the City of Seward is hereby amended as follows:

Part 2 Appointed Employee Officials

Article IV In General

§ 85-4.1 Enumerated.

The Mayor may, by and with the advice and consent of the City Council, have such departments and appoint such officials as may be established by ordinance, which shall include a City Administrator, City Clerk and Deputy, ~~Assistant Administrator/Clerk-Treasurer/Budget and Human Resources Director, Deputy Clerk/Finance Director/Assistant Treasurer and Deputy, Electric and Power Resource Director, Water/Wastewater Director, Street/Transportation and Recycling Superintendent, Parks/Recreation/Cemetery Director, Public Facilities/Capital Improvements and GIS Director,~~ Chief of Police, Fire Chief and Assistant, Library Director, Engineer, and City Attorney, and such other officials as may otherwise be required by law. All appointed officials may be removed at any time by the Mayor with the approval of the majority of the Council. All confirmations of appointments to such offices by the Council shall be made viva voce, and the concurrence of a majority shall be required. The vote by "yeas" and "nays" shall be recorded. (Neb. RS 16-308)

§ 85-4.4 Creation of Offices.

The governing body may create any office that it may deem necessary for the good government and interest of the municipality. (Neb. RS 16-~~308~~217)

§ 85-4.5 Duties prescribed.

The governing body may regulate and prescribe by ordinance the powers, duties, and compensation of the officers of the municipality and classify such offices, on the basis of merit as the City council shall provide for that purpose ~~not specifically delineated by state law.~~ (Neb. RS 16-218)

Article VI City Attorney

§ 85-6.1 Appointment and Authority.

The Mayor shall, with the consent of a majority of the Council, appoint the City Attorney. The City Attorney shall be the legal advisor of the Council and City officers.

§ 85-6.2 Supervision; duties.

The City Attorney shall be under the direction of the Mayor with the assistance of the City Administrator. The City Attorney shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on behalf of the City, or that may be ordered by the Council. He or she shall attend meetings of the Council and give them

his or her opinion upon any matter submitted to him or her, either orally or in writing as may be required. He or she shall draw all ordinances, contracts and other documents requested by the Mayor and Council.

§ 85-6.3 Compensation; additional legal services.

The Mayor and City Council shall have the right to pay the City Attorney additional compensation for legal services performed by him or her for the City or to employ additional legal assistance and to pay for such legal assistance out of the funds of the City.

Article VII City Treasurer

§ 85-7.1 Appointment and Removal; Duties.

The Mayor shall, with the consent of a majority of the Council, appoint the City Treasurer. The Treasurer of the City shall be the custodian of and receive all money belonging to the City. He or she shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He or she shall, at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. He or she shall accompany such account with a statement of all receipts and disbursements, together with all warrants ~~retained~~ redeemed and paid by him or her, which warrants, with all vouchers held by him or her, shall be filed with his or her account in the Clerk's office. He or she shall produce and show all funds shown by such report to be on hand, or satisfy the Council or its committee that he or she has such funds in his or her custody or under his or her control. If said Treasurer neglects or fails, for the space of 20 days from the end of every month, or by a later date as established by the Council, to render his or her account, his or her office may, by ~~resolution~~ consent of the Mayor and Council, be declared vacant; and the Mayor shall appoint and the Council confirm some person to fill the vacancy. The Treasurer shall keep ~~his~~ their books and accounts in such a manner as the Mayor and Council shall prescribe and shall keep a daily cashbook. All of the books and accounts of the Treasurer shall always be subject to inspection by the Mayor, members of the Council and such other persons as they may designate. The Treasurer shall perform such other duties as are required of him or her by the laws of the City and the statutes of Nebraska. The Treasurer shall keep all money in his or her hands belonging to the City separate and distinct from his or her own money; and he or she is hereby expressly prohibited from using, either directly or indirectly, the ~~corporation~~ City's money or warrants in his or her custody and keeping same for his or her own use and benefit or that of any other person—~~whomsoever~~. Any violation of this section shall subject the Treasurer to immediate removal from office by the City Council, and it may declare such office vacant. The Mayor shall appoint a successor, who shall be confirmed by the City Council, to hold office for the remainder of the term. (Neb. RS 16-318, 16-717, 16-719)

§ 85-7.2 Books and accounts.

The Treasurer shall give every person paying money into the treasury ~~and his office~~ a receipt therefor, which 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 same was paid in cash, in warrants, or otherwise, one of which copies the Treasurer shall deliver to the person making such payment and the other

he shall retain in his or her office and file such copy with his or her monthly reports. (Neb. RS 16-318, 77-2209)

The office of the ~~Clerk~~ Treasurer shall be responsible for keeping a full and correct account with each consumer of City utility services and shall issue proper receipts for all money collected from each consumer, one copy of which shall be retained by this office. The books and papers representing all transactions of this office shall at all times be open to the inspection of the Mayor and Council. This office shall make to the Mayor and Council a detailed monthly report as prescribed by the Mayor and Council. This office shall collect all money receivable by the City on account of public utilities, duly accounting therefor, ~~and pay said sums forthwith to the Treasurer.~~

§ 85-7.3 Daily accounting; availability of records.

The Treasurer shall daily, as moneys are received, foot the several columns of his or her cashbook and of his or her 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 shall close the account for that year in such register and shall carry forward the excess. Any Treasurer who shall fail regularly to enter upon his or her cashbook the amounts so received and receipted for, or who shall fail to keep his or her cashbook footed from day to day, for the space of three days, shall forfeit for each offense the sum of one-hundred dollars (\$100.00), to be recovered in a civil action on his or her official bond by any person holding a warrant drawn on such Treasurer, one-half (1/2) to the person bringing such action, and one-half (1/2) to the school fund of the County. The cashbook, 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. (Neb. RS 77-2210 through 77-2212)

§ 85-7.4 Annual report.

It shall be the duty of the Treasurer to prepare and publish annually, within sixty (60) days following the close of the municipal fiscal year, a statement of the receipts and expenditures by funds of the City for the preceding fiscal year. The statement shall also include the information required by Subsection (3) of Neb. RS 16-318 or Subsection (2) of Neb. RS 17-606. Not more than the legal rate provided for in Neb. RS 33-141 shall be charged and paid for such publication. Such publication shall be made in one legal newspaper of general circulation in the City. ~~Any~~ If the Treasurer failing fails or neglecting neglects to prepare and publish such statement of receipts and expenditures shall be deemed guilty of a misdemeanor and shall be removed from office for such failure or neglect. (Neb. RS 19-1101, 19-1103, 19-1104)

§ 85-7.5 Warrants.

The Treasurer shall keep a warrant register which shall show in columns arranged for that purpose the number, date, and 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 same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed as herein provided. On presentation of a warrant for payment to the Treasurer when there are not insufficient moneys on hand to the credit of the proper fund to pay the same, it shall be the duty of the Treasurer to enter such warrant in his or her warrant register for payment in the order of its

presentation and he or she shall endorse on the warrant the words "registered for payment" with the date of registration and shall sign such endorsement, whereupon the warrant shall draw interest at such rate as is fixed by the issuing authority and endorsed on the warrant from the date of ~~registration~~ presentation for payment until notice of payment shall be given the registered owner. The Treasurer shall neither directly nor indirectly contract for or purchase any City warrant at any discount whatever upon the sum due on such warrant or order, and if he or she shall so contract for or purchase any such order or warrant, he or she shall not be allowed in settlement the amount of such order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant. (Neb. RS 45-106, 77-1741, 77-2202, 77-2203)

§ 85-7.6 Deputy Treasurer.

The Mayor, with the consent of the Council, may appoint within the office of the City Treasurer a Deputy Treasurer, who shall have all the powers and duties of the Treasurer except as otherwise shall be provided by ordinance. He or she shall receive such compensation as the Mayor and Council shall from time to time establish by ordinance. He or she shall be removable at any time by the Mayor with the consent of the members of the Council. He or she shall give such bond as may be required by the Mayor and Council. He or she shall be under the immediate supervision of the Treasurer.

Article VIII City Clerk

§ 85-8.1 Appointment; duties.

- A. The Mayor shall, with the consent of a majority of the Council, appoint the Municipal Clerk. It shall be the duty of the Municipal Clerk to attend every meeting of the Council—and, keep a record of the proceedings thereof, and have the custody of all laws and ordinances. Whenever required by the Mayor or requested by four (4) members of the Council, he or she shall issue to the Chief of Police a notice to be delivered to the members of the Council of any special meeting thereof, and shall notify any and all committees of the Council of the business entrusted to them.
- B. The Clerk shall keep and carefully preserve all papers and books which may come into his or her possession as Clerk, filing and arranging them in a manner convenient for reference; provided that after the period of time specified by the State Records ~~Board~~ Administrator pursuant to the Records Management Act, the Clerk may transfer such journal of proceedings of the Council to the State Archives of the Nebraska State Historical Society for permanent preservation.
- C. The Clerk shall keep the Seal of the City and duly attest thereby the Mayor's signature to all ordinances and all deeds and papers required to be attested, when ordered by the governing body.
- ~~D. The Clerk shall keep all orders for money or warrants for the payment of money, and shall enter the same in numerical order in a book to be kept for that purpose.~~
- E. The Clerk shall keep a register of all licenses granted and the purpose for which they were issued, and report to the Council ~~at every meeting as requested~~. At the beginning of each month, he or she shall, if required by the governing body, furnish the Police Department with a true copy of the register of all licenses then in force. He or she shall issue licenses

and collect license fees connected therewith as provided by the laws of Nebraska or the municipality.

- F. ~~All office personnel of the Clerk's office and the Electric and Water Office shall be under the supervision and control of the City Clerk. All of said employees shall obey the Clerk's orders and may be discharged on recommendation of the Clerk for inefficiency or for the general good of said office.~~
- G. Within thirty (30) days after any meeting of the Council, the Clerk shall prepare and publish the proceedings of the Council in a legal newspaper in or of general circulation in the City. ~~or more than one legal newspaper if directed by the Council.~~ Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles names of all employees and their 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 Neb. RS 23-122. The publication charge shall be paid and allowed as other claims against the General Fund.

§ 85-8.2 Deputy Clerk.

The Mayor, with the consent of the Council, may appoint within the office of the City Clerk a Deputy Clerk, who shall have all the powers and duties of the Clerk except as otherwise shall be provided by ordinance. He or she shall receive such compensation as the Mayor and Council shall from time to time establish by ordinance. He or she shall be removable at any time by the Mayor with the consent of the members of the Council. He or she shall give such bond as may be required by the Mayor and Council. He or she shall be under the immediate supervision of the Clerk.

Article IX Merged Offices

~~§ 85-9.2 Clerk Treasurer position created.~~

~~The appointed offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the governing body by § 85-9.1.~~

~~§ 85-9.3 Clerk Treasurer/Administrative Assistant position created.~~

~~The appointive offices of Municipal Clerk, Municipal Treasurer and Administrative Assistant are hereby combined and merged, in accordance with the authority granted to the governing body by § 85-9.1.~~

Article X City Engineer

§ 85-10.1 Appointment; duties.

The Mayor shall, with the consent of a majority of the Council, appoint the City Engineer. The City Engineer shall, when requested by the governing body, make estimates of the cost of labor and material which may be done or furnished by contract with the ~~municipality~~ City, and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, gutters, the improvement of streets, and the erection and repair of buildings. He or she shall perform such additional duties as the governing body may require. It shall be his or her duty to make a record of the

minutes of his or her surveys and of all work done for the City, municipality including sewers, extension of water systems and heating systems, electric light and sewerage systems, and power plants, and accurately make such plats, sections, profiles, and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the Citymunicipality. (Neb. RS 16-320, 16-321)

Article XI Public Works Superintendent

§ 85-11.1 Duties and supervision.

~~The Public Works Superintendent shall be subject to the orders of the governing body by resolution and under the immediate supervision of the City Administrator. The Public Works Superintendent shall have general charge, direction, and control over all work of the Street Division, Public Properties Division, and Recycling Center of the municipality. He shall perform such other duties and make reports as the City Administrator or governing body may require. He shall serve all notices pertaining to sidewalks, streets, alleys, and other property unless some other official is specifically required to serve such notices. It is hereby made the duty of the Public Works Superintendent or his/her agent to view and inspect all lots and parcels of land for weeds and worthless vegetation upon complaint or otherwise as often as may be required. It shall be the duty of the Public Works Superintendent or his/her agent to view and inspect all sidewalks contiguous to public property within the municipality to ascertain if any snow, ice, mud, or other obstructions encroach into or upon said sidewalks. (Neb. RS 16-324)~~

Article XII Police Department

§ 85-12.1 Chief of Police; juvenile offenders.

The Chief of Police shall have the immediate superintendence of the police. Every sheriff, deputy sheriff, marshal, deputy marshal, security guard, police officer, or peace officer as defined in Subdivision (15) of Neb. RS 49-801 shall arrest and detain any person found violating any law of this state or any legal ordinance of the City until a legal warrant can be obtained, except that:

- A. Any such law enforcement officer taking a juvenile under the age of eighteen (18) years into his or her custody for any violation herein defined shall proceed as set forth in Neb. RS 43-248, 43-248.01, 43-250, 43-251, 43-251.01, and 43-253; and
- B. The court in which the juvenile is to appear shall not accept a plea from the juvenile until finding that the parents of the juvenile have been notified or that reasonable efforts to notify such parents have been made as provided in Neb. RS 43-250.

§ 85-12.4 Reserve Officer Bond.

No appointment of a law enforcement reserve officer shall be valid until a bond in an amount of two thousand dollars (\$2,000.00) ~~set from time to time by the City Council,~~ payable to the City, has been filed with the ~~Municipal~~City Clerk by the individual appointed, or a blanket surety bond arranged and paid for by the governing body and bonding all such officers of the governing body has been filed. Such bonds shall be subject to the provisions of Chapter 11, Article 1 of the Nebraska Revised Statutes. (Neb. RS 81-1444)

Article XIV Water/Wastewater Director Superintendent

§ 85-14.1 General Duties.

The Water/Wastewater Director~~Superintendent~~, hereinafter referred to as the "Superintendent~~Director~~," shall be the official ~~who~~ shall have the immediate charge of the Water and Wastewater Departments of the

municipality City, and ~~who~~ shall assist the City Administrator or his or her designee with the supervision of the Municipal Swimming Pool(s).

§ 85-14.2 ~~Appointment and removal; Supervision; term.~~

- A. The ~~Superintendent~~ Director shall be under the direction and control of the City Administrator at all times for no set term. ~~He shall be appointed by the Mayor in the manner of other appointed officials and may be removed by a majority vote of the City Council for any good and sufficient cause.~~
- B. ~~The term of office of the Superintendent shall extend until the end of the Mayor's term of office or until his successor shall be appointed and qualified.~~

§ 85-14.3 Specific powers and duties.

The ~~Superintendent~~ Director shall have the immediate control of: the facilities, machinery and equipment used in connection with the production, distribution and storage of water for the inhabitants of the municipality City; and the facilities, machinery, and appliances used in connection with the collection and treatment of sewage of the municipality City. The ~~Superintendent~~ Director shall read or cause to be read the water meters of the customers of the Water Department. He or she shall supervise and inspect repairs and maintenance work on the city municipal water and wastewater systems. He or she shall also assist the City Administrator or his or her designee with the supervision of the Municipal Swimming Pool(s). He or she shall enforce the laws of the municipality relating to the Water and Wastewater Departments as well as carry out any order or directive of the City Administrator. All employees under ~~his~~ their direction shall obey his or her orders, if lawful.

Article XV Electric Superintendent Light Commissioner

§ 85-15.1 ~~General Duties; supervision.~~

The ~~Light Commissioner~~ Electric Superintendent, hereinafter referred to as the "Superintendent," shall be the official who shall have the immediate charge of the City's electric municipal lighting system, light plant, and distribution system. The ~~Commissioner~~ shall be under the direction and control of the City Administrator at all times.

§ 85-15.2 ~~Supervision; Appointment and removal; term.~~

The Superintendent shall be under the direction and control of the City Administrator at all times for no set term. ~~The Commissioner shall be appointed by the Mayor in the manner of other appointed officials and may be removed by a majority vote of the City Council for any good and sufficient cause. The term of office of the Commissioner shall extend until the end of the Mayor's term of office or until his successor shall be appointed and qualified.~~

§ 85-15.3 Specific powers and duties.

The ~~Commissioner~~ Superintendent shall read or cause to be read all meters of the customers of the city's electric distribution system. ~~Municipal Electric Department~~. All employees under his or her direction shall obey his or her orders, if lawful. He or she shall supervise and inspect repairs and maintenance work on the city's municipal electrical distribution system. He or she shall have the duty of enforcing the laws of the municipality City relating to the Electric Department as well as carry out any order or directive of the City Administrator.

Section 2. REPEAL. All remaining ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as required by law.

Dated this 2nd day of January, 2024.

CITY OF SEWARD, NEBRASKA

Joshua Eickmeier
Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
Derek Bargmann, City Clerk

