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CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – Village Administration

SECTION 1-101: CORPORATE EXISTENCE

The Village of Firth, Nebraska, having a population of less than 800 inhabitants, is hereby declared to be a village and shall be governed in all respects by the laws regulating villages.

SECTION 1-102: CORPORATE SEAL

The Village of Firth, in the office of the village clerk, shall own a common seal of the corporation. The village clerk shall affix an impression of said seal on all papers or documents executed in his/her official capacity. (Neb. Rev. Stat. §17-502)

SECTION 1-103: BONDS REQUIRED; BLANKET BOND

A. The chairman and Board of Trustees shall, as a condition precedent to appointment, require the giving of and approval of the surety or sureties of official bonds for the various village offices, both elective and appointive. The amount of such bond shall be kept on file in the office of the village clerk for public inspection during office hours. Premiums for such bonds shall be paid out of the monies of the Village. Such official bonds shall be in form, joint and several, and be made payable to the Village. Whenever a statutory amount for a bond is not prescribed, the chairman and Board of Trustees shall determine whether a bond is necessary and if so, in the proper amount.

B. The official bonds shall be filed with the village clerk within 30 days after their appointment or election. The failure of a bond to be filed shall create a vacancy in the office of the official. One who is re-elected to office is required to file a new bond. Each official bond shall be executed by the principal named in such bond and by at least two sufficient sureties who shall be freeholders of the county or by the officer's principal and by a guarantee, surety, fidelity or bonding company as surety or by two or more of such companies.

C. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a village officer. The approval of each official bond shall be endorsed upon the bond by the chairman. No bond shall be filed and recorded until so approved. 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 condition of such bonds. (Neb. Rev. Stat.)

D. All surety and other bonds required by village ordinances or by Nebraska

law for village officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The Village may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the Village Board requiring such bond or undertaking and on such terms and conditions as may be required.

(Neb. Rev. Stat. §10-201 through 10-411, 10-606 through 10-612, 11-103 through 11-121, 11-204, 12-1001, 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 1-104: OFFICERS; OATH OF OFFICE

All officers of the Village of Firth, whether elective or appointive, shall take an oath of office in substantially the following form prior to the entering upon their official duties. Such oath 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 and not for the purpose of evasion; that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my abilities 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 or 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.”

(Neb. Rev. Stat. §11-101)

SECTION 1-105: OFFICERS; SALARIES

A. All elected officers shall receive such compensation as the Board of Trustees shall fix by ordinance, which may include an automatic cost of living allowance. All salaries shall be set by ordinance of the Village Board and shall be available for public inspection at the office of the village clerk.

B. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses if and when claims therefor are filed, audited and allowed. The chairman and Board of Trustees may by resolution authorize clerical assistance in one or more offices when the same may be needed and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this village in the performance of his/her duties as such shall be considered the property of this village and

shall be promptly paid over to the village treasurer and credited to the appropriate fund.

SECTION 1-106: ELECTIVE OFFICIALS; CONFLICT OF INTEREST

A. *Employment of immediate family member.* Notwithstanding Neb. Rev. Stat. §49-1499 and Neb. Rev. Stat. §49-14,101(3), a public official or public employee may employ, recommend the employment of, or supervise the employment of an immediate family member if he/she does not abuse his/her official position and makes a full disclosure on the record to the Village Board or a written disclosure to the person in charge of keeping records for the Village Board. No public official or public employee shall employ an immediate family member without first having made a reasonable solicitation and consideration of applications for such employment.

B. *Not applicable.* Except for making a full disclosure provided by Neb. Rev. Stat. §49-1499.01 and §49-14,103.01 to §49-14,103.06, this section shall not apply to an immediate family member of a public official or public employee who:

1. Was previously employed in a position subject to this section prior to the election or appointment of the public official or public employee or
2. Was employed in a position subject to this section prior to September 1, 2001. Any newly elected or appointed public official or employee shall make a full disclosure of any immediate family member employed in a position subject to this section, prior to or as soon as reasonably possible after the official date of taking office.

C. *Public official, employee, candidate, and other individuals; prohibited acts; penalty:*

1. No person shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby:
 - a. A public official, public employee, or candidate;
 - b. A member of the immediate family of an individual listed in subdivision (a) of this subsection; or
 - c. A business with which an individual listed under subdivision (a) or (b) of this subsection is associated.
2. No person listed in subsection (1) of this section shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate

would be influenced thereby.

3. No public official or public employee shall use that person's public office or any confidential information received through the holding of public office to obtain financial gain, other than compensation provided by law, for himself/herself, a member of his/her immediate family, or a business with which the individual is associated.
4. No public official or public employee shall use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.
5. Except as provided in Neb. Rev. Stat. §23-3113, a person violating the provisions of this section shall be guilty of a misdemeanor.

D. Officer, defined; interest in contract prohibited; when:

1. For purposes of this section, unless the context otherwise requires, "officer" shall mean a member of any board or commission of any village which spends and administers its own funds, who is dealing with a contract made by such board or commission, and any elected village official. "Officer" shall not mean volunteer firefighters or ambulance drivers.
2. Except as provided in this section, and Neb. Rev. Stat. §49-1499.01 and §70-624.04, no officer may have an interest in any contract to which his/her Village Board, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of such contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the county attorney, the Village Board, or any resident within the jurisdiction of the Village Board and shall be brought within one year after the contract is signed or assigned. The 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 Board has benefited thereby.
3. The prohibition in this subsection shall apply only when the officer or his/her parent, spouse, or child (a) has a business association as defined in Neb. Rev. Stat. §49-1408, with the business involved in the contract, or (b) will receive a direct pecuniary fee or commission as a result of the contract.

4. The provisions in subsection (2) of this section shall not apply if the interested officer:
 - a. Makes a declaration on the record to the Village Board responsible for approving the contract regarding the nature and extent of his/her interest prior to official consideration of the contract.
 - b. Does not vote on the matter of granting the contract, except that if the number of members of the Village Board 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
 - c. Does not act for the Village Board which is party to the contract as to inspection or performance under the contract in which he/she has an interest.
5. An officer who (a) has no business association as defined in Neb. Rev. Stat. §49-1408, with the business involved in the contract or (b) will not receive a direct pecuniary fee or commission as a result of the contract shall not be deemed to have an interest within the meaning of this section.
6. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such Village Board by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than five percent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.
7. If an officer's parent, spouse, or child is an employee of his/her Village Board, the officer may vote on all issues of the contract which are generally applicable to (a) all employees, or (b) all employees within a classification and do not single out his/her parent, spouse, or child for special action.
8. Any contract entered into with an interested officer of the Village Board shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Village Board.

E. *Contract with officer; information required; ledger maintained.* The person charged with keeping records for the Village Board shall maintain separately from other records a ledger containing information listed in subsection (1) through (5) of this subsection about every contract entered into by the Village Board in which an officer of the Board has an interest and for which disclosure is made pursuant to this section. 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:

1. The names of the contracting parties;
2. Nature of the interests of the officer in question;
3. Date the contract was approved by the Village Board;
4. Amount of contract;
5. Basic terms of the contract.

The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pursuant to this section shall be available for public inspection during the normal working hours of the office in which it is kept.

F. *Open account with officer; how treated.* An open account established for the benefit of the Village Board with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by this section shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for such board shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section.

(Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04)

Article 2 – Village Board

SECTION 1-201: VILLAGE BOARD; POWERS

The Board of Trustees shall have power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress crime and vice in the Village; to license, regulate or prohibit billiard halls, pool halls or bowling alleys within the limits of the Village; to restrain and prohibit gambling; to provide for the licensing and regulation of businesses within the Village; to establish night watches; to prevent the introduction and spread of contagious diseases; to erect, construct, repair the public ways and property; to provide for the inspection of lumber, building materials, and construction procedures; to regulate structures projecting over, upon, or adjoining, and all excavations through and under the public ways and property of the Village; to maintain the peace, good government, and welfare of the Village, and its trade, and its manufacturing concerns, and to enforce all laws of the Village by inflicting penalties upon the inhabitants or other persons for the violation thereof. (Neb. Rev. Stat. §17-207)

SECTION 1-202: VILLAGE BOARD; NUMBER AND QUALIFICATIONS

The Village Board of Trustees shall consist of five members who shall be citizens of the United States, residents of the Village and registered voters. Every trustee so elected and so qualified shall hold his/her office for a term of four years; provided, a trustee's term shall expire and the office will become vacant upon moving from the Village. The board members shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska and faithfully and impartially to discharge the duties of their office. (Neb. Rev. Stat. §17-202 through 17-204)

SECTION 1-203: ELECTIVE OFFICIALS; VACANCIES

A. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560.

B. Except as otherwise provided in subsection (4) or (5) of this section, vacancies in village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the 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 chairman of the Board shall, within four weeks after the meeting at which such notice of vacancy has been presented or upon the death of the incumbent, call a special meeting of the Board or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the chairman shall submit the

name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. 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 chairman 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 chairman shall continue at such meeting to submit the names of qualified registered voters in nomination and the Board shall continue to vote upon such nominations until the vacancy is filled. All trustees 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 chairman and Board may, in lieu of filling a vacancy in a village elected office as provided in subsections (2) and (3) 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. No official who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his/her removal or the removal of any other member of the same Village Board during the remainder of his/her term of office.

(Neb. Rev. Stat. §32-560, 32-569, 32-1308)

SECTION 1-204: CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES

At its first meeting in December of each election year, the Board of Trustees shall, among its members, elect the chairman by a majority vote. He/she shall hold the position of chairman until the installation meeting next following when a new election shall be held. The chairman shall have charge over all the property belonging to the Village and not in the particular charge of any officer. He/she shall preside over all meetings of the Board. If the chairman be absent, some member of the Board shall preside. He/she shall require of all village officers a receipt for any and all articles belonging to the Village now in their charge and all that may hereafter come under their charge shall be receipted for in like manner. All outgoing village officers should deliver over to him/her or account for all such articles whenever their terms of office expire. He/she shall also examine into and satisfy himself/herself as to the correctness of each and every appropriation ordinance before approving the same. All financial reports of the village treasurer shall be audited by the chairman and the Board of Trustees and if found correct, the same shall be endorsed and shall be filed in the office of the village clerk. He/she shall sign the clerk's minutes of all meetings after they have been spread at large upon the journal and when the same shall have been approved by the action or the acquiescence of the Board. He/she shall sign all warrants for the payment of money when ordered by the Board. He/she shall sign all ordinances, resolutions, motions and orders which have been passed, approved, and

declared to be law of the Village. He/she shall cause the ordinances of the Village to be carried into effect and shall be vigilant to promote the peace and welfare of the Village. He/she shall require of all officers the faithful performance of their duties as prescribed by law and the village ordinances. He/she shall call special meetings of the Board of Trustees at his/her discretion or as hereinafter provided.

SECTION 1-205: 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, subunits, 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 above.

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 body.

(Neb. Rev. Stat. §84-1409(1))

SECTION 1-206: 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 1-207: MEETINGS; RIGHTS OF PUBLIC

A. Subject to the Open Meetings Act, the public has 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 sessions called pursuant to Section 1-218 herein 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. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

C. It shall not be a violation of subsection (A) 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

(Neb. Rev. Stat. §84-1408, 84-1412)

SECTION 1-208: MEETINGS; PLACE, DAY, TIME

The regular meetings of the chairman and Board of Trustees shall be held in the Community Center or at such other place as the chairman and Board shall from time to time by resolution select, on the first Tuesday evening in each month beginning at the hour of 7:00 P.M.; provided, the chairman and Board of Trustees may by motion adjourn at any time not to exceed one regular meeting. (Ord. No. 295, 11/91)

SECTION 1-209: MEETINGS; NOTICE TO NEWS MEDIA

The village clerk, secretary or other designee of the Board 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 at that meeting. (Neb. Rev. Stat. §84-1411)

SECTION 1-210: MEETINGS; NOTICE, AGENDA

The Village Board shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the Board and recorded in its minutes. Such notice shall be transmitted to all members of the Board and to the pub-

lic. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, kept continually current, shall be readily available for public inspection at the village office 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. 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 meeting of the Village Board scheduled outside the corporate limits of the Village. The Board 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 1-211: MEETINGS; ELECTION YEAR CHANGE IN OFFICE

A. At the regular meeting of the Board in December in each election year, the outgoing officers and members of the Board shall present their final reports. Upon completion of any business presented by such reports, the newly-elected Board shall convene, elect a chairman and appoint the officers required by law.

B. The Board shall then proceed to examine the credentials of the members to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Board shall next proceed to the selection of a chairman. Upon completing the selection of the chairman, the Board shall proceed with the selection of all officers of the Board who are appointed by the body. The new chairman shall then name the personnel of several standing committees and proceed to the regular order of business.

(Neb. Rev. Stat. §17-204) (Ord. No. 277, 4/27/88)

SECTION 1-212: MEETINGS; APPOINTMENT OF STANDING COMMITTEES

The chairman of the Village Board of Trustees shall, after each village election, appoint members of the Board to such standing committees as the Board may establish to efficiently govern the Village. The membership of said standing committees may be changed from time to time in the discretion of the chairman of the board members.

SECTION 1-213: MEETINGS; QUORUM

Three members elected to the Board of Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel attendance of members; provided, however, that on the request of any two members whether a quorum be present or not, any absentee shall be sent for and compelled to attend. (Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-214: MEETINGS; ORDER OF BUSINESS

Promptly at the hour set by law on the day of each regular meeting, the members of

the Board, the chairman, the village clerk and such other village officials as may be required shall take their regular stations in the village hall and the business of the Village shall be taken up for consideration and disposition. The order of business shall be as specified on the official notice of the agenda of the meeting required by law.

SECTION 1-215: MEETINGS; UNEXCUSED ABSENCES

It is the duty of each member of the Board of Trustees to attend every meeting unless prevented by sickness or absence from the Village. Absence from three consecutive meetings shall operate to vacate the seat of the member unless the absence is excused by the Village Board by resolution setting forth the reason for nonattendance and the same being entered in the records of the Village.

SECTION 1-216: MEETINGS; PARLIAMENTARY PROCEDURE

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

B. All resolutions or motions shall be reduced to writing before being acted upon if requested by the village clerk or any member of the Village Board. Every trustee who is present when a question is voted upon shall cast his/her vote unless excused by a majority of the board members present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debatable. 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 upon the request of any member of the Board. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the trustee seconding the said resolution, motion, or ordinance.

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.

D. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate.

E. Any of the rules of the Village Board for meetings may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the Village Board shall decide all procedural disputes that may arise.

SECTION 1-217: MEETINGS; MINUTES

A. 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 of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

B. 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 vote to elect leadership within the Village 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)

C. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, but the village clerk may have an additional ten working days if absent due to a serious illness or emergency. (Neb. Rev. Stat. §84-1413)

D. The minutes of the village clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Board present or absent at each convened meeting.

SECTION 1-218: MEETINGS; CLOSED SESSIONS

A. The Board may hold a closed session by an 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 if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

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

C. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the chairman shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed

session. In holding such a closed session, the Board shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

D. Any member of the 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. Such challenge shall be overruled only by a majority of the board members. Such challenge and its disposition shall be recorded in the minutes.

(Neb. Rev. Stat. §84-1410)

SECTION 1-219: MEETINGS; SPECIAL

A. Special meetings may be called by the chairman 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. 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 to day to 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.

B. At the hour appointed for the meeting, the 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 chairman, if present, or if absent, by the president of the Board. In the absence of both the chairman and the president of the Board, 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).

(Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-220: 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, provided reasonable efforts are made by the village clerk to give advance notice of the time and place of such meeting to news media requesting notification of meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meetings shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §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 laws of the State of Nebraska 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: VOTES

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

SECTION 1-303: ORDINANCES; STYLE

The style of all ordinances shall be: “Be it ordained by the chairman and Board of Trustees of the Village of Firth...” (Neb. Rev. Stat. §17-613)

SECTION 1-304: ORDINANCES; TITLE

Ordinances shall contain no subject which shall not be clearly expressed in the title and no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. (Neb. Rev. Stat. §17-614(2))

SECTION 1-305: ORDINANCES; INTRODUCTION

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

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

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

SECTION 1-306: PASSAGE

All ordinances, resolutions, or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of the Village Board. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the board members vote to suspend this requirement. In the event such requirement shall be suspended, such ordinances shall be read by title and then moved for final passage. Three-fourths of the Village Board may require a reading of any such ordinance in full before enactment under either procedure set out in this section. (Neb. Rev. Stat. §17-614)

SECTION 1-307: ORDINANCES; PUBLICATION OR POSTING

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

1. In some newspaper published in the Village but if no paper is published in the Village, then by posting a written or printed copy thereof in each of three public places in the Village; or
2. By publishing the same in book or pamphlet form, provided, in case of riot, infectious or contagious diseases, or other impending danger, failure of public utility or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the chairman of the Board of Trustees, posted in at least three of the most public places in the Village. Such emergency ordinance shall recite the emergency and be passed by a three-fourths vote of the Board of Trustees, and entered of record on the clerk's minutes.

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

C. When the Village prints the same 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 date mentioned in such book or pamphlet in all courts without further proof.

(Neb Rev. Stat. §17-613)

SECTION 1-308: ORDINANCES; AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended. The ordinance or section so amended shall be repealed. (Neb. Rev. Stat. §17-614)

SECTION 1-309: EMERGENCY ORDINANCES

In the case of an ordinance passed concerning riot, infectious or contagious diseases or other impending danger, failure of a public utility or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the village chairman and the posting thereof in at least three of the most public places in the Village. Such emergency notice shall recite the emergency and shall be passed by a three-fourths vote of the Board and entered upon the village clerk's minutes. (Neb. Rev. Stat. §17-613)

SECTION 1-310: RESOLUTIONS AND MOTIONS

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 Board. The issues raised by said resolutions or motions shall be disposed of in accordance with parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

Article 4 – Appointed Officials

SECTION 1-401: APPOINTMENTS

The Village Board may appoint a village clerk, village treasurer, village attorney, village police officer, water commissioner and street commissioner. The Village Board may enact resolutions to require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duties. The Village may pay the premium for such bonds. The Board shall also appoint such additional officials and employees as the trustees may determine are needed by the Village. All such appointees shall hold office for one year unless sooner removed by the chairman of the Board by and with the advice and consent of the Village Board. If the Village has a water commissioner, he/she may at any time, for sufficient cause, be removed from office by a two-thirds vote of the Board of Trustees.

SECTION 1-402: MERGER OF OFFICES

A. The Board of Trustees may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except trustee, with any other elective or appointive office or employment so that one or more of 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 Neb. Rev. Stat. §49-14,103.01 to 49-14,103.06.

B. 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 or 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.

(Ord. No. 277, 4/28/88)

SECTION 1-403: VILLAGE CLERK

A. The village clerk shall be appointed by the chairman with the approval of the Board of Trustees. The clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the Board. He/she shall also keep a record of all outstanding bonds against the Village, showing the number and amount of each, for and to whom the said bonds were issued and when any bonds are purchased or paid or canceled, said record shall show the fact; and in his/her annual report he/she shall describe particularly the bonds issued and sold during the year and the terms of sale with each item of expense thereof. He/she shall attend every meeting of the Board. Whenever required by the chairman or requested by three board members, he/she shall issue a notice to be delivered to the members of

the Board of any special meeting and shall notify any and all committees of the Board of the business entrusted to them.

B. The clerk shall keep the seal of the Village and shall duly attest thereby the chairman's signature to all deeds and papers required to be so attested when ordered by the chairman and Board of Trustees, and all orders for money or warrants for the payment of money, entering the same in numerical order in a book kept for that purpose. He/she shall collect or cause to be collected all occupation taxes due the Village. Within 30 days after any meeting of said Board, he/she shall prepare and publish the proceedings of said Board in the official newspaper of the Village. He/she shall receive applications for licenses to sell alcohol and tobacco products from every person selling the same within the Village and collect the designated license fee therefor from each applicant for a license. He/she shall issue a license to the said person upon receipt of the payment of said annual fee and shall forthwith pay over the monies arising therefrom to the treasurer of the school district lying wholly or partially within the corporate limits of the Village.

(Neb. Rev. Stat. §17-605 and 19-1102)

SECTION 1-404: VILLAGE TREASURER

A. The treasurer shall be appointed by the chairman with the approval of the Village Board. He/she shall be the custodian of all money belonging to the Village. He/she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He/she shall also file copies of such receipts with his/her monthly report; he/she shall, at the end of each 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. He/she 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/her account in the village clerk's office. If the treasurer neglects or fails, for the space of ten days from the end of each month, to render his/her account, the office shall be declared vacant and the Village Board shall fill the vacancy by appointment in the manner of the original appointment as provided herein. (Neb. Rev. Stat. §17-606)

B. The village treasurer shall, at the end of each and every month and such other times as the Village Board may deem necessary, render an account under oath showing the financial state of the Village at that date, the amount of money remaining in each fund, the amount paid therefrom and the balance of money remaining in the treasury. The said account shall be accompanied with a statement of all receipts and disbursements, together with all warrants redeemed and paid. The treasurer shall also produce depository evidence that all municipal money is in a solvent and going bank in the name of the Village. If the treasurer shall neglect or fail for the space of ten days from the end of each and every month to render his/her accounts as afore-

said, the Village Board shall, by resolution, declare the office vacant and appoint another person to fill the vacancy. The village treasurer shall be present at each regular meeting of the Village Board, at which time he/she shall read and file a monthly report. (Neb. Rev. Stat. §17-606)

C. The village treasurer shall publish in a legal newspaper having general circulation within the Village, within 60 days following the first day of August of each year, a report of the activities of his/her office, which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding and the debit or credit balance of the Village. (Neb. Rev. Stat. §19-1101)

SECTION 1-405: VILLAGE ATTORNEY

A. The village attorney shall be the legal advisor of the Board. He/she shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on behalf of the Village or that may be ordered by the Board. When requested, the village attorney shall attend meetings of the Village Board and give them his/her opinion upon matters submitted to him/her, either orally or in writing, as may be required. The village attorney shall draft and 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/her by general law or ordinance. The Board shall have the right to pay the village attorney compensation for legal services performed by him/her 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.

B. The Board of Trustees shall appoint a special village prosecutor to commence and prosecute all actions of a criminal nature and he/she shall perform such other duties as may be imposed by state or village law. The Board shall have the right to pay the special village prosecutor compensation for legal services performed by him/her 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.

SECTION 1-406: SPECIAL ENGINEER

A special engineer shall be appointed by the chairman with the approval of the Board of Trustees when the necessity shall arise. The engineer shall make a record of the minutes of his surveys and all work done for the Village, which shall be public records and belong to the Village. He shall accurately make all plats, sections, profiles and maps that may be necessary and any work for the Village. Upon request of the chairman and Village Board, he shall make estimates of the cost 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 or culverts and for the building, constructing, or repairing of any public improvement of the Village and file the same with the village clerk. He shall inspect all works of public im-

provement and if found to be properly done, shall accept the same and forthwith report his acceptance to the chairman and Village Board. He shall estimate the costs of all proposed village utilities and public improvements, together with all extensions thereof, which the chairman and Village Board propose to construct or improve. The chairman and Village Board, whenever they may deem it expedient, may employ such special engineer to make or assist in making any particular estimate or survey. (Neb. Rev. Stat. §17-568)

SECTION 1-407: CHIEF OF POLICE

A. The Village of Firth may enter into a contract with the County Board of Lancaster County for police and law enforcement services to be provided by the Lancaster 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 of Firth. 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 city ordinances or state laws.

B. The chairman, with the approval of the Board of Trustees, may appoint a chief of police and may also appoint such other police officers as may be deemed necessary. When appointed, the chief of police is subject to the direction of the Board of Trustees and has the control and management of all matters relating to the Police Department, its officers and members, and he shall have the custody and control of all records and books belonging to the department.

C. The chief of police shall perform such duties and exercise such powers as may be conferred or imposed upon him by state or village law and all such administrative duties as the chairman and Board of Trustees may direct him to do. He shall have the immediate supervision of the police force. He and the police officers shall have power and it shall be their duty to arrest all offenders against the laws of the State or the Village, by day or by night in the same manner as a sheriff and keep them in the appropriate jail or other place of incarceration to prevent their escape. He shall diligently inquire into any and all violations of the laws of the Village and all who neglect to comply with the requirements thereof, and he shall arrest those guilty of neglect or violation and shall file and swear out complaints against said violators as required by law. In the execution of his powers and duties in arresting any person accused or suspected of crime or in the suppression of any riot or unlawful assembly or in preventing the commission of any offense against the Village or the State, he shall have the power to require the aid of any citizen or any citizens. He shall cause a nuisance to be abated and shall notify the Board of Trustees of any such nuisance, along with full particulars of the name, address, conditions constituting the nuisance,

and such other information as the chairman and Board of Trustees may require.

D. The chief of police shall attend the meetings of the Board of Trustees except such times as he may be excused by the chairman therefrom. He shall be a member of the Board of Health and shall carry out all the duties and have all the powers of any person in that office. Notwithstanding any other provision herein, the chief of police shall have the authority to arrest without process in all cases where any offense shall have been committed or attempted to be committed in his presence. He shall perform such other duties as may be imposed upon him by resolution, order, or ordinance of the chairman and Village Board or by the general direction of the chairman.

(Neb. Rev. Stat. §17-213)

SECTION 1-408: SPECIAL POLICE

The chairman and Board of Trustees may, in their discretion, employ a night watch or other special police force for such periods of time and for such compensation as may be fixed at the time of their employment. When appointed, any special police, including traffic control officers, shall qualify the same as other appointive officers and shall be under the direction and control of the chief of police in the performance of their duties. Any such special police officers shall have all the powers of the chief of police except as herein provided.

SECTION 1-409: UTILITIES SUPERINTENDENT

The chairman shall appoint, with the approval of the Board of Trustees, the utilities superintendent, who shall perform such duties as directed by the Board. He shall have supervision over all sewer connections, plumbing, and drain-laying in the Village and shall have the right during reasonable hours to enter any building in the Village for the performance of his duty. In carrying out his duties, the utilities superintendent shall have all the other duties, obligations, and powers of a public works commissioner with authority to manage all public utilities. The utilities superintendent shall have such other and further duties, obligations and powers as the chairman and Board of Trustees may from time to time designate. The utilities superintendent may, at any time, for sufficient cause, be removed by a two-thirds vote of the Board of Trustees. (Neb. Rev. Stat. §17-541)

SECTION 1-410: STREET COMMISSIONER

The street commissioner shall be appointed by the chairman with the approval of the Board of Trustees and it shall be his duty to superintend all repairs and work done on the public ways and property within the Village. It shall further be the duty of the street commissioner to inspect all awnings, signs, tree branches and other constructions or extensions encroaching upon or over the public ways and property. The street commissioner shall have the duty to inform the chairman and Board of Trustees of any such encroachment which he feels may be detrimental to the appearance

or travel upon the public ways and property. The street commissioner shall have such other and further duties as the chairman and Board of Trustees may from time to time prescribe. (Neb. Rev. Stat. §17-214)

Article 5 – Fiscal Management

SECTION 1-501: FISCAL YEAR

The fiscal year for the Village shall commence on October 1 and extend through the following September 30. It shall be the duty of the village treasurer to prepare and publish annually within 60 days following the close of its fiscal year a statement of the receipts and expenditures by funds of the Village for the preceding fiscal year. (Neb. Rev. Stat. §17-701)

SECTION 1-502: PUBLIC FUNDS DEFINED

“Public funds” shall mean all money, including non-tax 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

The village treasurer may, upon resolution of the Board of Trustees authorizing the same, purchase certificates of deposit from and make time deposits in any state or national bank in the State of Nebraska to the extent that such certificate of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amount so secured if the amount of the excess deposits shall be secured by a bond or pledge of assets. (Neb. Rev. Stat. §17-720; 16-714 and 16-715)

SECTION 1-504: INVESTMENT OF FUNDS

The Village Board may by resolution direct and authorize the village treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Village and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

SECTION 1-505: 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:

1. There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last-known address of the debtor, 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

2. 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 set by ordinance and shall be on file in the office of the village clerk, available for public inspection during office hours. 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 1-506: CLAIMS

All claims against the Village must be presented to the Board of Trustees 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. Upon the allowance of claims by the Board, the order for the payment shall specify the particular fund or appropriation out of which they are payable as specified in the adopted budget statement; and 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 funds in the treasury at the credit of the proper fund for its payment. In the event there exists at the time such warrant is drawn obligated funds from the federal or state government for the general purpose or purposes of such warrant, then such warrant may be drawn in excess of 85% of the current levy for the purpose for which it is drawn to the additional extent of 100% of such obligated federal or state funds. (Neb. Rev. Stat. §17-714 and 17-715)

SECTION 1-507: WARRANTS

All warrants drawn upon the treasurer must be signed by the chairman and countersigned by the village clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon such warrant so drawn. Each warrant shall specify the amount included in the adopted budget statement for such fund upon which it is drawn and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

SECTION 1-508: EXPENDITURES

The Village Board shall have no power to appropriate, issue or draw any order or warrant on the village treasurer for money unless the same has been appropriated or ordered by ordinance or the claim for the payment of which such order or warrant is issued has been allowed, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law. (Neb. Rev. Stat. §17-708; 17-714 and 17-715)

SECTION 1-509: BOND ISSUES

After meeting all the requirements of state law, the Village Board may 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. §10-201 thru 10-411, 10-601 thru 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 thru 18-1805, 23-343.13, 39-836)

SECTION 1-510: SINKING FUNDS

A. The Village Board shall have the power to levy a tax not to exceed ten and five-tenths cents on each one hundred dollars in any one year upon the accessibility of all taxable property within the Village, except intangible property, for a term not to exceed ten years, 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, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, which shall include acquisition of any land incident to the making thereof: village auditorium or community house for social or recreational purposes; village hall; public library; auditorium or community house in a single building; village swimming pool and appurtenances thereto; village jail, village building to house equipment or personnel of a fire department together with firefighting equipment or apparatus; village park; village cemetery; village medical clinic building, together with furnishings and equipment; or village hospital; provided, the Village shall not be authorized to levy the tax or to establish a sinking fund as hereinbefore provided, if, having bond indebtedness, the Village shall have been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of said sinking fund for a vote of the authorized electors of the Village.

B. Before any sinking fund or funds shall be established or before any annual tax shall be levied for one or more planned village improvements, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village at the next general village election the proposition to provide the Village with the spe-

cific village improvement or improvements planned for consummation under this section. Such resolution of submission shall, among other things, set forth a clear description of the improvement or improvements planned thereunder, and the estimated cost thereof according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding ten years, required to provide such costs, the specific name or designation for the sinking fund sought to be established to carry out the planned improvement, together with a statement of said proposition for placement upon the ballot at said election.

C. Notice of the submission of said proposition, together with a copy of the official ballot containing the same, shall be published in its entirety three successive weeks before the day of said election in a legal newspaper published in the Village, or if no legal newspaper is published within the Village, then in some legal newspaper published in the county and of general circulation within the Village; provided, however, that no such sinking funds shall be established unless the same shall be authorized by a majority or more of the legal votes of the Village cast for or against said proposition. If said proposition shall carry at said election in the manner aforesaid, the Village Board shall proceed to do all things authorized under said resolution. The sinking fund, or sinking funds, accumulated shall constitute a special fund, or funds, for the purpose or purposes for which the same were authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the Village voting at a general election favoring such change in the use of said sinking fund or sinking funds.

(Neb. Rev. Stat. §19-1302 through 19-1304)

SECTION 1-511: TRANSFER OF FUNDS

A. Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the Village Board may, by a majority vote, transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the Village Board may propose to supplement the previously adopted budget statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of any such hearing.

B. Notice of the place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement stating the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

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

(Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special assessment 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 whatever, unless to reimburse the Village for money expended for such improvement. (Neb. Rev. Stat. §17-710)

SECTION 1-513: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

A. The Village shall have the authority to collect the special assessments which it levies and perform all other necessary functions related thereto including foreclosure.

B. If the Village elects to collect its special assessments, 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.

C. A village that elects to collect its special assessments 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

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 Village 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 and 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 Village 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 circula-

tion 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 purchasing 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)

SECTION 1-516: ANNUAL AUDIT

A. The Village Board shall cause an audit of the village accounts to be made by a qualified accountant or shall prepare an unaudited statement of cash receipts and disbursements in lieu of an audit as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the Village Board, it shall be made on a cash or accrual method at the discretion of the Board and shall be completed within six months of the close of the fiscal year. In the event the Village elects not to have an audit performed, the village treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor and shall submit not less than three copies of the unaudited report to the Village Board. The state auditor may require an audit of any village account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed.

B. All public utilities shall be audited separately and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual 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.

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

SECTION 1-517: ANNUAL APPROPRIATION BILL

The Board of Trustees shall, on or before August 15 of each year, pass an ordinance, to be termed "the Annual Appropriation Bill," in which the Village Board shall set out such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village, not exceeding in the aggregate the amount of tax authorized to be levied; and in such ordinance there shall be specified the objects and purposes for which such appropriations are made, in the amount appropriated for each object or purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the General Fund. (Neb. Rev. Stat. §17-706)

SECTION 1-518: BUDGET PROCEDURE

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-519: BUDGET STATEMENT

A. The Village Board shall, not later than the first day of August of each year,

on forms prescribed 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, other than revenue received from taxation, 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 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, 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 taxation allocated to each fund; 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, other than revenue to be received from taxation, 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.

B. 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 other than taxation 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, as determined herein, plus the estimated revenue from sources other than taxation, and the unencumbered balances shall equal the estimated expenditures plus the required cash reserve for the ensuing year. (Neb. Rev. Stat. §23-923, 23-924)

SECTION 1-520: PROPOSED BUDGET STATEMENT; PUBLICATION

Before the Annual Appropriation Bill shall be passed, the Village Board shall prepare an estimate of the probable amount of money necessary for all purposes to be raised during the fiscal year for which the appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the different objects and branches of expenditures, as nearly as may be, with a statement of the entire revenue of the Village for the previous fiscal year, and shall enter the same at large upon its minutes and cause the same to be published one week in

some newspaper published or of general circulation in the Village.

SECTION 1-521: BUDGET STATEMENT; HEARING

Following the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the hearing date in a newspaper of general circulation in the Village. After such hearing, the statement shall be adopted or amended and adopted as amended and a written record shall be made of such hearing. 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. (Neb. Rev. Stat. §13-506)

SECTION 1-522: BUDGET STATEMENT; FILING

The Village Board shall file with and certify to the levying board and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Neb. Rev. Stat. §13-508)

SECTION 1-523: GENERAL FUND

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

SECTION 1-524: ALL-PURPOSE LEVY

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the Village, except intangible property. (Neb. Rev. Stat. §17-702)

SECTION 1-525: ALL-PURPOSE LEVY; INADEQUATE VALUATION

If the valuation of the Village has been reduced so that the maximum levy permitted by Section 1-524 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Village Board of petitions signed by a majority of the registered voters of the Village requesting such action and specifying the extent to and the period of time, not to exceed five years, in which such maximum

may be exceeded. No signature may be withdrawn after the petitions have been filed with the Village Board. The Board shall cause such petitions to be filed with the County Board. Said petitions shall be accompanied by the certificate of the county clerk that he/she has examined the petitions and that they have been signed by a majority of the registered voters of the Village. After such filing, the Village Board may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Neb. Rev. Stat. §19-1309)

SECTION 1-526: ALL-PURPOSE LEVY; ALLOCATION

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 Village Board shall deem best. (Neb. Rev. Stat. §19-1310)

SECTION 1-527: ALL-PURPOSE LEVY; ABANDONMENT

The Village shall be bound by its election of the all-purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. (Neb. Rev. Stat. §19-1311)

SECTION 1-528: EXTRAORDINARY LEVY

Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Village and to pay judgments obtained against the Village may be made in addition to the all-purpose levy. (Neb. Rev. Stat. §19-1309)

SECTION 1-529: PROPERTY TAX

The Village Board shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Village, except intangible property, which the Village requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed. The maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of 30 mills upon the assessed value of all taxable property within the corporate limits, except intangible property, for the purposes of the adopted budget statement, together with any special assessments or special taxes; or amounts assessed as taxes, in such sum as may be authorized by law for the payment of outstanding bonds and debts; provided, however, that the Board of Trustees may certify a further amount to be levied, not to exceed ten and five-tenths cents on each one hundred dollars for the purpose of establishing permissible sinking funds. (Neb. Rev. Stat. §17-702; 18-501; and 19-1301)

Article 6 – Elections

SECTION 1-601: ELECTION OF VILLAGE OFFICIALS

A. The terms of all members of the Board of Trustees shall be four years. All such terms shall commence on the first regular meeting of the Board in December following the statewide general election. Any person may be a trustee who is a citizen of the United States, resides in the Village, and is a registered voter. The trustee's office shall become vacant in the event of his/her death, disability, or removal from the Village. Any vacancies created in the office of trustee shall be filled as provided in Neb. Rev. Stat. §32-4,152.

B. In all cases of an election where the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office on account of disqualification as provided by law or otherwise, the incumbent shall not be entitled to hold over the term but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner as provided in Neb. Rev. Stat. §32-4,152 and §32-1045.

C. Elections for members of the Board shall be held every two years in conjunction with the statewide primary and general elections. The number of trustees elected shall alternate in each election year between two and three from one election year to another. Whenever there shall be a tie on the election of trustees, it shall be determined by lot by the duly authorized canvassing board.

(Neb. Rev. Stat. §32-505 and 33-4,146 through 32-4,153) (Ord. No. 277, 4/28/88)

SECTION 1-602: ELECTIONS GENERALLY

The Village shall reimburse the County for its proportionate share of the cost of holding such election upon the filing of the County with the Village an itemized claim therefor. All elective village officers shall be nominated and elected on a non-partisan ballot. The village ballot shall be received, counted, and canvassed and results certified. The county clerk shall certify the results to the village clerk, who will in turn issue certificates of election to the successful candidates therefor.

SECTION 1-603: BALLOTS

The county clerk shall provide printed ballots for every general election and the expense of printing and delivering the ballots and cards of instruction shall be charged to the Village. (Neb. Rev. Stat. §32-1202)

SECTION 1-604: TIME FOR FILING

Candidates for municipal offices shall file nomination papers for the same not less than 60 days prior to the date of the primary election if the candidate is not an incum-

bent for the office for which he/she is filing. In the event the candidate is an incumbent for the office for which he/she is filing, he/she must file his/her nomination papers no later than 75 days prior to the date of the primary. (Neb. Rev. Stat. §32-503.01)

SECTION 1-605: LOCATION OF FILING

All nomination papers shall be filed in the office of the county election commissioner. The candidate at that time shall pay to the county treasurer or such other officer as the election commissioner shall direct a sum equal to 1% of the annual salary of the office for which he/she is running; provided, there shall be no filing fee for any candidate for an office in which a per diem is paid rather than a salary or an office for which there is a salary of less than \$500 per year. No nominating papers shall be filed until the proper receipt is presented to the election commissioner and no certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate. Such filing fee shall be paid within ten days after the canvass of the vote. (Neb. Rev. Stat. §32-513)

SECTION 1-606: VOTER QUALIFICATIONS

"Elector" shall mean a person of the constitutionally prescribed age or upwards who shall have the right to vote for all officers to be elected to public office and upon all questions and proposals lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; provided, no person shall be qualified to vote at any election unless such person shall be a resident of the state and shall have been properly registered with the election official of the county. (Neb. Rev. Stat. §17-602, 32-110)

SECTION 1-607: CAUCUS CANDIDATES

A. The Village Board may by ordinance call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election and the Village Board shall publish notice of such caucus in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks before such caucus.

B. The village clerk shall notify the persons so nominated of their nominations not later than five days after such caucus. A candidate so nominated shall not have his/her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he/she files with the village clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he/she was nominated.

(Neb. Rev. Stat. §17-601.01, 17-601.02)

SECTION 1-608: PETITION CANDIDATES

A. Any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. Rev. Stat. §32-621 or by nomination by political party convention or committee.

B. Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot if a vacancy exists on the ballot under Neb. Rev. Stat. §32-626(1) and the candidate files for the office by petition as prescribed in this section.

C. The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for governor or president of the United States at the immediately preceding general election in the Village.

D. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for governor or president of the United States at the immediately preceding general election within the Village, not to exceed 2000.

E. Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628 and shall state the office to be filled and the name and address of the candidate. 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 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 payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election.

(Neb. Rev. Stat. §32-616 through 32-618)

SECTION 1-609: 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 1-610: TIE VOTES

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk shall notify such candidates to appear at his/her office on a giv-

en day and hour to determine the same by lot before the Canvassing Board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (Neb. Rev. Stat. §32-1122)

SECTION 1-611: CERTIFICATE OF NOMINATION OR ELECTION

A. The county clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the Canvassing 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 a number of votes at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves.

B. A certificate of election prepared by the county clerk shall be in the form as nearly as possible to that prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the chairman of the Board of Trustees under the seal of the Village and countersigned by the village clerk.

(Neb. Rev. Stat §19-3041, 32-558, 32-1033)

SECTION 1-612: INABILITY TO ASSUME OFFICE

In any general election where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he/she was a candidate and the electorate had reasonable notice of such disability at the time of election, the candidate in such election who received the highest number of votes shall be declared elected and shall be entitled to the certificate of election; provided, any candidate so declared elected received not less than 35% of the total number of votes cast for such office in the election. If any of the qualifications of this section are not met by the candidate to be declared elected or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law.

SECTION 1-613: SPECIAL ISSUES

A village election on special issues may be called at any time with the polling places designated and to remain open as provided by law for general village elections. At least ten days prior to any special election, the chairman of the Board of Trustees shall issue a proclamation designating all the special issues or propositions to be submitted for the approval or rejection by the electors and transmit the same forthwith to the village clerk for filing. In lieu of submitting a matter or issue at a separate special village election, the Village may submit such matter or issue at a statewide general or primary election; provided, no such matter or issue shall be submitted at a statewide election unless the matter or issue to be submitted has been certified by the village clerk to the county clerk at least 50 days prior to the election. The Village

shall, by resolution, call the election and designate the matter or issue to be submitted and the village clerk shall certify the matter or issue to be submitted to the county clerk. After the county clerk has received the certification of the matter or issue to be submitted, he/she shall be responsible for all matters relating to the submission of the matter or issue to the voters; provided, the clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter or issue other than the notice required to be given to the statewide election issues. Upon completion of the canvass of the vote, the county clerk shall certify the election results to the chairman and Board of Trustees. The Village shall reimburse the county clerk for the cost of printing the village ballots and any other costs of submitting the village matter or issue above that cost which would have been incurred had the village matter or issue not been submitted at the statewide election.
(Neb. Rev. Stat. §19-3003, 19-3004, and 32-4,153)

SECTION 1-614: RECALL PROCEDURE

A. Any or all of the elected officials of the Village may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to §32-1309.

B. Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the village clerk. Each petition paper shall conform to the requirements of state law. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the village clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator(s) of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the village clerk issue initial petition papers to the principal circulator for circulation. The village clerk shall notify the principal circulator that the necessary signatures must be gathered within 30 days from the date of issuing petitions.

C. The village clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record to be kept in his/her office the name of the principal circulator to whom the papers were issued, the date of issuance, and the number of papers issued. The village clerk shall certify on the papers the name of the principal circulator 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 who checks out petitions from the village clerk may distribute such petitions to registered voters residing in the Village who may act as circulators of such petitions.

D. Petition signers shall conform to the requirements of the Election Act. Each signer of a recall petition shall be a registered voter and qualified by his/her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

E. 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 45% of the total vote cast for the person receiving the most votes for that office in the last general election.

F. The principal circulator shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the village clerk within 30 days after the said clerk issues the initial petition papers to the principal circulator. Within 15 days after the filing of the petition, the village 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 signature may be removed unless the village clerk receives an affidavit signed by the person requesting his/her signature be removed before the petitions are filed with the clerk for signature verification. If the petition is found to be sufficient, the village 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 clerk shall file the petition in his/her office without prejudice to the filing of a new petition for the same purpose.

G. If the recall petition is found to be sufficient, the village 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 Village Board shall provide for the holding of the removal election on the same day. After the Board sets the date for the recall election, the said election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

H. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or if the election results in a tie, the official shall continue in office for the remainder of his/her term but may be subject to further recall attempts as provided in Subsection (J) of this section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/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 code and state law. 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 village clerk that he/she does not want a recount. 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.

I. 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/her removal or the removal of another member of the Village Board during the remainder of his/her term of office.

J. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his/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)

Article 7 – Cemetery

SECTION 1-701: OPERATION AND FUNDING

A. The Village owns and operates the village cemetery through the Village Board, which, for the purpose of defraying the cost of the care, management, maintenance and beautification of the cemetery, may budget and levy such sums as necessary for such purpose. The Village Board shall have the power and authority to hire and supervise such employees as may be deemed necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation.

B. The Chairman and Village Board may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than 20 percent of the principal is so used in any fiscal year and no more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years.

SECTION 1-702: SEXTON

The Village Board shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the Board shall direct. It shall be the duty of the sexton to locate and direct the applicant to the lot mentioned therein and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the Village Board.

SECTION 1-703: CONVEYANCE OF LOTS

The Village Board may convey cemetery lots by certificate signed by the chairman and countersigned by the village clerk under the village seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. Such certificate is for burial of the purchaser and those persons whom he/she designates at the time of purchase. No other persons other than those designated at time of purchase shall be permitted to be buried in such purchased lots.

SECTION 1-704: FORFEITURE OF LOTS

The purchaser or designated persons may be contacted from time to time by the Village Board to ascertain that the burial designations made by the purchaser are still current and applicable. In the event the purchaser and his/her designated persons cannot be located for a period of three years, the burial lots or the unused portions of the burial lots will be determined forfeited. Such unused lot or part of lot will revert back to the Village and may be resold by the Village Board.

SECTION 1-705: LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the village clerk. Charges for transfer of certificates and for perpetual care of burial spaces shall be set by the Village Board from time to time by resolution. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the village clerk shall issue a new certificate.

SECTION 1-706: PERPETUAL CARE

A. The village treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. Any lot owner who, prior to the purchase of his/her lot, shall not have endowed his/her holdings with perpetual care may do so by paying to the secretary of the Village Board such sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

B. The Chairman and Village Board may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than 20 percent of the principal is so used in any fiscal year and no more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years.

SECTION 1-707: BURIAL PROCEDURE; DISINTERMENT

Any person desiring to bury a deceased person shall first be required to provide the

dates of birth and death of the decedent. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The sexton shall also require that all fees assessed by the Village Board have been paid in full. In the event that the removal of the body is requested, the village clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment.

SECTION 1-708: LOT CURBING

It shall be unlawful for the owner of any lot to construct or maintain any curbing around any lot or burial space or to suffer the same to remain if constructed.

SECTION 1-709: SHRUBS AND TREES

It shall be unlawful for any person to plant, maintain or suffer to remain any shrub or tree on any cemetery lot. The Village Board retains the right and option to plant trees or shrubs at its discretion within the cemetery property.

SECTION 1-710: MONUMENTS

Persons desiring to erect monuments or tombstones shall first procure permission from the village clerk, who shall notify the sexton of such permission. The sexton shall oversee the installation of such monuments or tombstones and determine that all fees assessed by the Village Board have been paid.

SECTION 1-711: GRAVE DEPTH

Graves shall not be less than six feet deep. Cremated remains may be buried in a grave site and shall be buried at least three feet deep in the cremation container provided by the crematorium.

SECTION 1-712: INJURY TO PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break, or injure any tree, shrub or plant shall be deemed to be guilty of a misdemeanor.

Article 8 – Planning Commission

(Adopted by Ord. No. 1-2007, 1/9/07)

SECTION 1-801: CREATION

A planning commission designated as the Village of Firth, Nebraska, Planning Commission is hereby created with the powers and duties set forth in Neb. Rev. Stat. §19-924 to §19-933, inclusive (“the Act”).

SECTION 1-802: OPERATION

The Board may provide the funds, equipment and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board; and no other expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 1-803: MEMBERS

The Commission shall have five regular members who shall represent, insofar as possible, the different professions or occupations in the Village and who shall be appointed by the chair and approved by a majority vote of the Board.

SECTION 1-804: MEMBER FROM ZONING AREA

If it is determined by the Board that 200 or more residents reside within the area over which the village is authorized to exercise extraterritorial zoning and subdivision regulation, at least one of the regular members shall, and two of the regular members may, be a resident from such area. If such determination is made subsequent to the appointment of the regular members of the first Commission, the first available vacancy shall be filled by the appointment of such an individual.

SECTION 1-805: APPOINTMENT OF ALTERNATE MEMBER

The Commission shall have one alternate member, who may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular members is present and capable of voting. The alternate member shall be appointed by the chair and approved by a majority vote of the Board. The alternate member shall serve for a term of three years and shall hold office until a successor is appointed and approved. The alternate member shall serve without compensation and shall not hold other municipal office.

SECTION 1-806: TERMS; COMPENSATION

Each regular member shall serve for a term of three years and shall hold office until a

successor is appointed and approved; provided, however, two of the regular members of the first Commission shall be appointed for terms of one year, two for terms of two years, and one for a term of three years. The regular members shall serve without compensation and shall hold no other municipal office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

SECTION 1-807: OFFICERS; MEETINGS

The Commission shall elect a chair from its members and create and fill such other offices as it may determine. The term of the chair shall be one year and he/she shall be eligible for re-election. The Commission shall hold at least one regular meeting in each calendar quarter, except that the Board may require the Commission to meet more frequently and the chair of the Commission may call for a meeting when necessary to deal with business pending before the body. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, finding, and determinations, which shall be a public record.

SECTION 1-808: RECOMMENDATIONS OF PLANNING COMMISSION

Pursuant to Section 19-929 of the Act, the Board shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Commission, which recommendation shall be received by the Board not later than 40 days from the date the chair of the Board advises the chair of the Commission of the need for its recommendation.

SECTION 1-809: RESERVATION OF POWERS

The Board hereby reserves unto itself any and all powers not expressly delegated to the Commission by the Act and denies to the Commission, unless expressly granted in a future ordinance of the Board, any consent or approval required by the Commission under the Act as a condition precedent to the action by the Commission.

Article 9 – Zoning Board of Adjustment

SECTION 1-901: MEMBERS; OPERATION

The Zoning Board of Adjustment shall consist of the members of the Firth Village Board of Trustees. The Board of Adjustment shall have only those powers specifically authorized by Neb. Rev. Stat. §19-910 and shall operate as provided by Neb. Rev. Stat. §19-908 through §19-911.

SECTION 1-902: MEETINGS

Meetings of the Board shall be held at the call of the chairman and at such other times as the board members may determine. The chairman or in his/her absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. (Neb. Rev. Stat. §19-908)

SECTION 1-903: APPEALS

A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Neb. Rev. Stat. §19-909)

B. Any person or persons jointly or separately aggrieved by any decision of the Zoning Board of Adjustment, any taxpayer, or any officer, department, board, or bureau of the Village may appeal to the district court in the manner provided by Neb. Rev. Stat. §19-912. (Neb. Rev. Stat. §19-912)

Article 10 – Penal Provision

SECTION 1-1001: PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.