

## CHAPTER 32: OFFICIALS AND EMPLOYEES

### Section

#### *General Provisions*

- 32.001 Property
- 32.002 Charges against
- 32.003 Employment of family member; when; exception
- 32.004 Oath

#### *Appointed Officials*

- 32.020 Enumerated
- 32.021 Term of office
- 32.022 Creation of office
- 32.023 Merger of offices
- 32.024 Reports
- 32.025 City Attorney
- 32.026 Special counsel
- 32.027 City Treasurer; bond or insurance; premium; duties; reports
- 32.028 City Treasurer, City Clerk; safety deposit box
- 32.029 City Clerk
- 32.030 Publication of claims
- 32.031 City Engineer
- 32.032 Special Engineer
- 32.033 City Physician
- 32.034 Chief of Police
- 32.035 Public Works Superintendent
- 32.036 Building Official
- 32.037 Fire Chief
- 32.038 Coordinator of Senior Citizens Center
- 32.039 Director of Recreation Services
- 32.040 City Administrator

#### *Compensation*

- 32.055 Adoption of schedule
- 32.056 Change in salary
- 32.057 Extra compensation prohibited; exception

**Wayne - Administration***Contracts*

- 32.070 Competitive bidding
- 32.071 Records
- 32.072 Open account

*Retirement and Pension*

- 32.090 Police Department
- 32.091 Police Department Retirement Committee

***Statutory reference:***

*Compensation of officers and employees, see Neb. RS 16-310*  
*Conflicts of interest, see Neb. RS 49-1493 et seq.*

**GENERAL PROVISIONS****§ 32.001 PROPERTY.**

Every officer and employee of the city or of any of its boards or departments shall promptly and fully account for and deliver to his or her successor or as otherwise directed by the Council all money, equipment and other property of the city which he or she has in his or her possession or has received from the city during his or her term of office or employment.  
(2002 Code, § 2-151)

**§ 32.002 CHARGES AGAINST.**

Any person may make a charge of misconduct in office against any city official, which charge shall be in writing and under oath and shall specify the nature of the misconduct claimed, which charge shall be filed with the City Clerk. Such charge shall be fully read at the next regular meeting of the Council or at a special meeting called for that purpose; and, if so ordered by the Council, a copy of such charge, certified by the City Clerk, shall be served upon the officer charged, together with a notice that he or she shall show cause, at a meeting of the Council, why he or she should not be removed from office.  
(2002 Code, § 2-152)

**§ 32.003 EMPLOYMENT OF FAMILY MEMBER; WHEN; EXCEPTION.**

(A) An official or employee of a political subdivision may employ or recommend or supervise the employment of an immediate family member if he or she does not abuse his or her official position as described in Neb. RS 49-1499.05, he or she makes a full disclosure on the record to the governing body of the political subdivision and a written disclosure to the person in charge of keeping records for the

governing body, and the governing body of the political subdivision approves the employment or supervisory position.

(B) No official or employee shall employ an immediate family member without first having made a reasonable solicitation and consideration of applications for such employment, who is not qualified for and able to perform the duties of the position, for any unreasonably high salary, or who is not required to perform the duties of the position.

(C) No official or employee of a political subdivision shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.

(D) This section does not apply to an immediate family member of an official or employee who was previously employed in a position subject to this section prior to the election or appointment of the official or employee or was employed in a position subject to provisions similar to this section prior to September 1, 2001.

(E) Prior to, upon, or as soon as reasonably possible after the official date of taking office, a newly elected or appointed official or employee shall make a full disclosure of any immediate family member employed in a position subject to division (D) of this section.

(Neb. RS 49-1499.04) (2002 Code, § 2-153)

**§ 32.004 OATH.**

All officials of the city, whether elected or appointed, except when a different oath is specifically provided, shall, before entering upon their respective duties, take and subscribe the following oath, which shall be endorsed upon their respective bonds:

“I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of \_\_\_\_\_, according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.”

(2002 Code, § 2-155)

**Statutory reference:**

*Related provisions, see Neb. RS 11-101*

**APPOINTED OFFICIALS****§ 32.020 ENUMERATED.**

The Mayor may, by and with the advice and consent of a majority of the Council, appoint an Administrator, Treasurer, Clerk, Engineer, Attorney, Physician, Chief of the Fire Department, Chief of Police, Director of Emergency Management, Recreation Services Director, Public Works Superintendent, Superintendent of Public Works and Utilities, Superintendent of Electric Production, Building Official and Coordinator of the Senior Citizens Center. Any appointed officer may be removed at pleasure by a vote of a majority of all the members of the Council. All confirmations of appointments to such offices by the Council shall be by a majority of all members of the Council.

(2002 Code, § 2-181) (Ord. 97-5, passed 3-25-1997)

**Statutory reference:**

*Authority to appoint officers, see Neb. RS 16-308*

**§ 32.021 TERM OF OFFICE.**

All officers appointed by the Mayor and confirmed by the Council shall hold the office to which they may be appointed until the end of the Mayor's term of office and until their successors are appointed and qualified, unless sooner removed, or the ordinance creating the office shall be repealed, except as otherwise specifically provided.

(2002 Code, § 2-182)

**Statutory reference:**

*Related provisions, see Neb. RS 16-309*

**§ 32.022 CREATION OF OFFICE.**

The Council may create any office that it may deem necessary for the good government and interest of the city.

(2002 Code, § 2-183)

**Statutory reference:**

*Related provisions, see Neb. RS 16-308*

**§ 32.023 MERGER OF OFFICES.**

The Council may, at its discretion, by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except Mayor and Council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may

be held by the same officer or employee at the same time. The Council may by ordinance delegate this authority to combine appointive offices to a city official. 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.

(2002 Code, § 2-184)

**Statutory reference:**

*Related provisions, see Neb. RS 16-305*

**§ 32.024 REPORTS.**

The Council may require from any officer of the city at any time a report in detail of the transactions of his or her office or of any matters connected with the office.

(2002 Code, § 2-186)

**Statutory reference:**

*Related provisions, see Neb. RS 16-220*

**§ 32.025 CITY ATTORNEY.**

The City Attorney shall be the legal advisor of the Council and city officers. The City Attorney shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the city, or that may be ordered by the Council. He or she shall attend meetings of the Council and give them his or her opinion upon any matter submitted to him or her, either orally or in writing as may be required. He or she shall draw all ordinances, contracts and other documents requested by the Mayor and Council. The Council shall have the right to pay the City Attorney additional compensation for legal services performed by him or her for the city or to employ additional legal assistance and to pay for such legal assistance out of the funds of the city.

(2002 Code, § 2-187)

**Statutory reference:**

*Related provisions, see Neb. RS 16-319*

**§ 32.026 SPECIAL COUNSEL.**

Whenever, in the judgment of the Council, it shall be deemed necessary or expedient, the Council may employ, in addition to the regular City Attorney, an attorney, both for substituted and supplemental services, or for special items of legal service, and pay for them out of the General Fund of the city for incidental purposes.

(2002 Code, § 2-188)

**§ 32.027 CITY TREASURER; BOND OR INSURANCE; PREMIUM; DUTIES; REPORTS.**

(A) The City Treasurer shall be required to give bond or evidence of equivalent insurance of not less than \$25,000, or he or she may be required to give bond in double the sum of money estimated by the City Council at any time to be in his or her hands belonging to the city. The City Treasurer shall be the custodian of all money belonging to the city. The City Council shall pay the actual premium of the bond or insurance coverage of such Treasurer.

(B) The City Treasurer shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying date of payment and on what account paid. He or she shall also file copies of such receipts, except tax receipts, with his or her monthly reports, and he or she shall at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. The City Treasurer shall also accompany such account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with all vouchers held by him or her, shall be filed with his or her account in the City Clerk's office. He or she shall produce and show all funds shown by such report to be on hand, or satisfy the City Council or its committee that he or she has such funds in his or her custody or under his or her control. If the City Treasurer fails to render his or her account within 20 days after the end of the month, or by a later date established by the City Council, the Mayor with the consent of the City Council may consider this failure as cause to remove the City Treasurer from office.

(C) The City Treasurer shall keep a record of all outstanding bonds against the city, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid or canceled. He or she shall accompany the annual statement submitted pursuant to Neb. RS 19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

(D) The City Treasurer may employ and appoint a delinquent tax collector, who shall be allowed a percentage upon his or her collections to be fixed by the City Council, not to exceed the fees allowed by law to the County Treasurer for like services. Upon taxes collected by such delinquent tax collector, the City Treasurer shall receive no fees.

(E) The City Treasurer shall prepare all special assessment lists and shall collect all special assessments.

(Neb. RS 16-318)

(F) The Council shall, prior to the allowance of any claim against the city, examine and audit the claim to determine whether it is in proper form, is correctly computed, and is justly and legally due and payable, and shall determine the proper fund from which the claim is payable.

(2002 Code, § 2-533)

**§ 32.028 CITY TREASURER, CITY CLERK; SAFETY DEPOSIT BOX.**

The city shall maintain a safety deposit box at the designated financial institution; and the City Clerk and City Treasurer shall have access to the box, with shared responsibilities and duties for maintaining the safety deposit box and its contents.

(2002 Code, § 2-193)

**§ 32.029 CITY CLERK.**

(A) The Mayor shall, with the consent of a majority of the Council, appoint the City Clerk. The authority to appoint the City Clerk may be delegated. Except when some other person is specifically appointed, the City Clerk shall be and assume the duties of the City Treasurer. It shall be the duty of the City Clerk to attend every meeting of the Council and keep a record of its proceedings; provided that, after a period of time specified pursuant to Neb. RS 84-1201 through 84-1220, the Clerk may transfer such journal of the proceedings of Council to the state archives of the State Historical Society for permanent preservation. Whenever required by the Mayor or requested by four members of the Council, he or she shall deliver a notice to the members of the Council of any special meeting of the Council and shall notify any and all committees of the Council of the business entrusted to them.

(B) The City Clerk shall keep and carefully preserve all papers and books which may come into his or her possession as City Clerk, filing and arranging them in a manner convenient for reference.

(C) The City Clerk shall keep the seal of the city and duly attest by the seal the Mayor's signature to all ordinances and all deeds and papers required to be attested, when ordered by the Council.

(D) The City Clerk shall keep all orders for money or warrants for the payment of money and shall enter them in numerical order in a book to be kept for that purpose.

(E) Within 30 days after any meeting of the Council, the City Clerk shall prepare and publish the proceedings of the Council in a legal newspaper, or more than one legal newspaper if directed by the Council. The charge for publication shall not exceed the rates provided by law. The publication charge shall be paid and allowed as other claims against the General Fund.

(F) The City Clerk shall have such additional duties and receive such salary as the Council may prescribe.

(2002 Code, § 2-194)

***Statutory reference:***

*Related provisions, see Neb. RS 16-317*

**§ 32.030 PUBLICATION OF CLAIMS.**

The City Clerk shall include in the minutes of each meeting published, as required in § 32.030 of this chapter, the amount of each claim allowed, the purpose of the claim and the name of the claimant;

except that, the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles, and their current annual, monthly or hourly salaries shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in Neb. RS 23-122. (2002 Code, § 2-195)

**Statutory reference:**

*Related provisions, see Neb. RS 19-1102*

**§ 32.031 CITY ENGINEER.**

The City Engineer, if one is appointed, shall, when requested by the Council, make estimates of the cost of labor and material which may be done or furnished by contract with the city and make all surveys, estimates and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, gutters, the improvement of streets and the erection and repair of buildings. He or she shall perform such additional duties as the Council may require. The City Engineer shall make a record of the minutes of his or her surveys and of all work done for the city and accurately make such plats, sections, profiles and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the city. Records of the City Engineer shall be public records and shall be on file at the office of the City Clerk. It shall be unlawful for any City Engineer or special City Engineer to neglect or fail to turn over all records, estimates, surveys and other materials requested or owned by the city developed in the exercise of duties as City Engineer or special City Engineer to the Council upon request or at the termination of services in such office.

(2002 Code, § 2-196) Penalty, see § 10.99

**Statutory reference:**

*Related provisions, see Neb. RS 16-320, 16-321*

**§ 32.032 SPECIAL ENGINEER.**

The Council may, whenever it deems it expedient, employ a special engineer to make or assist in making any particular estimate or survey. Any such estimate or survey shall have the same validity and serve in all respects as though made by the City Engineer. The special Engineer so employed shall at all times be subject to the directives of the City Engineer.

(2002 Code, § 2-197)

**Statutory reference:**

*Related provisions, see Neb. RS 16-322*

**§ 32.033 CITY PHYSICIAN.**

The City Physician shall be a physician who resides permanently in the city. He or she shall be a member of the Board of Health of the city and shall be its medical adviser. When requested by the Mayor or City Attorney, he or she shall investigate all cases of injury to persons in which liability against the



city may be asserted and make a written report, including the circumstances causing the injury and the nature and extent of the injury. The report shall be in writing and shall be made to the Mayor. For the purpose of making examinations of the sanitary conditions of the property and the health or disease of the occupants, the City Physician shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the city. He or she shall make or cause to be made all necessary laboratory tests and issue such health certificates as may be required by city law. He or she shall perform such other duties of a medical and healthful nature as shall be assigned to him or her by the Council. He or she shall receive no compensation as a member of the Board of Health, nor any salary as City Physician, but shall be allowed compensation for services so assigned to him or her and rendered the city at the usual rates prevailing in the city for such services.

(2002 Code, § 2-198)

**Statutory reference:**

*Physician to be on a board of health, see Neb. RS 16-238*

**§ 32.034 CHIEF OF POLICE.**

(A) The Chief of Police shall have the immediate superintendence of the police. He or she and the police officers shall have the power, and it shall be their duty, to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff and keep them in the city detention center or other place to prevent their escape, until a trial or examination may be had before the proper officer; and they shall have the same power as a sheriff in relation to all criminal matters arising out of a violation of a city law and all process issued by the County Court. Each member of the City Police Department shall have the duties of becoming well-informed as to the laws of the state and laws of the city, of enforcing such laws, of wearing the badge, uniform and insignia furnished by the city for the police and of properly caring for them, and such further duties as shall be assigned to them by the Council and as are otherwise provided by law.

(B) The Chief of Police shall:

- (1) Have custody of all city property used by the city police;
- (2) Be a member of the Board of Health and its Secretary and Quarantine Officer;
- (3) Have charge of traffic control on the city streets;
- (4) Execute and serve or cause to be served all process required for the violation of city law;
- (5) Make and file or cause to be made and filed complaints for violations of the laws of the city;
- (6) Serve as Emergency Management Director pursuant to Neb. RS 81-829.36 et seq.; and

(7) Perform such other duties as are assigned to or required of him or her by the Council or otherwise provided by law.

(2002 Code, § 2-199)

**Statutory reference:**

*Related provisions, see Neb. RS 16-323*

**§ 32.035 PUBLIC WORKS SUPERINTENDENT.**

(A) The Public Works Superintendent shall be subject to the orders of the Council and under the supervision of the City Administrator. He or she shall have general charge, direction and control over all work on the streets, sidewalks, culverts and bridges of the city, and he or she shall also perform such other duties as the Council may require.

(B) The Public Works Superintendent shall have general control of all sidewalks and sidewalk spaces in the city. It shall be his or her duty to see that sidewalks and the sidewalk space are not unlawfully occupied. He or she shall report all obstructions and any unlawful use to the Council. He or she shall have the authority to go upon private property and to enter any areaways under sidewalks at reasonable hours. He or she shall serve all notices pertaining to sidewalks, crossings and alleys; and he or she shall keep in a suitable book an accurate record of each notice so served, with the time and manner of such service. He or she shall likewise keep a record of all sidewalks ordered built. He or she shall view and inspect any and all lots and parcels of land within the city for growing weeds at least one time in each month during the growing season. If noxious weeds are found growing, he or she shall notify the owner or occupant to cut down the weeds as close to the ground as can be practically done and keep the weeds cut in like manner during the growing season for weeds. If the owner of any lot or parcel of land is a non-resident or cannot be found, the notice may be given to any person having the care, custody or control, or to any agent, factor or rent collector of the owner. If no one can be found within the city to whom the notice can be given, it shall be the duty of the Public Works Superintendent to post a copy of the notice on the premises. After the time limit prescribed on the notice has expired, he or she shall immediately cut or cause the weeds to be cut and report the cost to the Council. The bill shall be audited and paid by the city, and the amount shall be assessed against the parcel of land as a special tax and be levied and collected as are other taxes of the city. The Public Works Superintendent shall view sidewalks contiguous on any lots within the corporate limits to ascertain if any snow, sleet, mud, ice or other substance remains on the sidewalks contrary to law. If any of such substances are found on the sidewalks contrary to law, the Public Works Superintendent shall serve a notice in writing upon the owner or occupant of the premises contiguous to the sidewalk to remove the substance. If the person owning or occupying such premises is unknown or cannot be found, or if any reasonable service cannot be had upon the owner, agent or occupant within the city, such service of notice shall be made by posting a typewritten copy in some conspicuous place on the premises. If the owner, agent or occupant shall fail to remove the ice, snow, mud or other substance within the time prescribed on the notice, it shall be the duty of the Public Works Superintendent or other agent of the city to remove such substance. The expense shall be charged against the property and the owner and may be recovered by proper action in

the name of the city or may be charged against the property as a special assessment for improvements in the manner provided in respect to the cutting of weeds.

(2002 Code, § 2-200)

**§ 32.036 BUILDING OFFICIAL.**

The Building Official is authorized and directed to enforce all the provisions of this code pertaining to building construction and repair as the Code Official. For such purpose, he or she shall have the powers of the city police. In accordance with his or her duties and upon presentation of proper credentials, the Building Official, or his or her duly authorized representative, may enter at all reasonable times any building, structure or premises to perform any duty imposed upon him or her by any Building Code, Plumbing Code, Property Maintenance Code or Gas Code duly adopted by reference in this code, or any provision of this code. Whenever any building or construction work is being done contrary to the provisions of such codes, it shall be the duty of the Building Official to order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Any such person shall immediately stop, or cause to be stopped, such work until authorization is received from the Building Official to continue the work. When any structure is in a dangerous condition or the building is being used contrary to the provisions of the laws of the city, the Building Official may order such use discontinued or the structure or portion in violation vacated. The Building Official, acting in good faith and without malice in the discharge of his or her duties, shall not render himself or herself personally liable and is relieved from all personal liability for any damage that may accrue to person or property as the result of any act or omission in the discharge of his or her duties. Any suit brought against the Building Official, because of an alleged act or omission performed by him or her in the enforcement of any provision of the city's codes relating to buildings or building construction shall be defended by the Legal Department of the city until final termination of the proceedings. The Building Official may request, and shall receive so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of other officials of the city. The position of City Building Official shall be under the responsibility and jurisdiction of the City Administrator.

(2002 Code, § 2-201)

**§ 32.037 FIRE CHIEF.**

(A) The members of the Fire Department shall, at the time of each annual meeting of the Department, recommend some person for the Office of Chief of the Fire Department, who, upon being confirmed by the Council, shall hold office until his or her successor shall be appointed and qualified. The Chief of the Fire Department shall be subject to removal by the Mayor at any time. The Fire Chief shall, on or before the last Tuesday in April of each year, furnish or cause the Secretary to furnish the City Clerk a copy of the roster of the members of the Fire Department in good standing; and, from month to month thereafter, he or she shall report any proposed additions or changes in the roster for proper action by the Council so that all members of the Fire Department shall be at all times covered by insurance or by such other lawful protections and benefits as may be provided under state or city law.

(B) The Chief of the Fire Department shall have under his or her control the property, implements and apparatus used by the Fire Department, subject to the general and specific directives of the Council. He or she shall use all proper means for the extinguishment of fires, the protection of property, the preservation of order and the enforcement of all laws relating to fires and fire protection which governs the city. Upon the written consent and directive of the Council, the Fire Chief shall cause the repair, improvement or maintenance of the property of the Fire Department and shall personally supervise and approve of such action.

(C) No obligation, except in an emergency or when the expenditure is of a minor nature, shall be incurred on behalf of the Fire Department by the Fire Chief unless the obligation was previously authorized in writing by the Council.

(2002 Code, § 2-202)

#### **§ 32.038 COORDINATOR OF SENIOR CITIZENS CENTER.**

The Coordinator of the Senior Citizens Center shall be subject to the orders of the City Administrator. The Coordinator shall have the general charge, direction and control of the Senior Citizens Center and shall be responsible for the general operation of the Senior Citizens Center and shall be subject to all of the rules and regulations governing other city employees. The Coordinator shall perform such other duties as the City Administrator may require.

(2002 Code, § 2-203)

#### **§ 32.039 DIRECTOR OF RECREATION SERVICES.**

(A) *Office created.* There is hereby created the Office of Director of Recreation Services. The Director shall be appointed by the Mayor, with the consent of a majority of the Council, and shall be under the supervision of the City Administrator.

(B) *Duties and responsibilities.* The duties and responsibilities of the Director shall include the following:

- (1) Selecting, developing and supervising paid staff and volunteers;
- (2) Supervising, planning, designing, constructing and maintaining parks and leisure services facilities in cooperation with other departments;
- (3) Evaluating effectiveness of recreation and leisure services areas, facilities and programs;
- (4) Developing and implementing budgetary and fiscal management plans and programs;
- (5) Developing and promoting comprehensive plans for recreation, parks and leisure services programs and facilities that meet the needs of the community;

(6) Working to ensure that recreation, parks and leisure services are well balanced, coordinated and integrated in the community;

(7) Interpreting programs of the office to the public and maintaining cooperative planning and working relationships with allied public and advisory agencies; and

(8) Performing such other duties and responsibilities as may be directed by the City Administrator.

(2002 Code, § 2-205) (Ord. 93-18, passed 11-30-1993)

**§ 32.040 CITY ADMINISTRATOR.**

(A) *Office created.* There is created the Office of City Administrator for the city; such officer may be appointed by the Mayor, by and with the consent of the Council. The City Administrator may be removed at pleasure by a vote of a majority of all the members of the Council with the approval of the Mayor. He or she shall be appointed on the basis of merit alone and need not be a resident of the city or the state when appointed. He or she shall devote his or her full time to the diligent prosecution of his or her office and shall have no other conflicting or distracting employment.

(B) *Acting City Administrator.* The City Administrator shall nominate a department head, or other employee of the city to serve as acting City Administrator during the temporary absence from the city of the City Administrator. Such nominee, when confirmed by the Council, shall perform all the duties and exercise all the powers of the City Administrator during the period of disability or absence of the City Administrator, but shall receive no additional compensation.

(C) *Purpose of office.* The purpose of the Office of the City Administrator is to provide the centralization of the administrative responsibilities of the city, such Administrator to be the administrative head of the city government under the direction and control of the Council and to be responsible to the Council for the efficient conduct of his or her office.

(D) *Duties.* The duties of the City Administrator shall be as follows.

(1) He or she shall make and keep up to date an inventory of all property, real and personal, owned by the city. He or she shall act as purchasing agent for the purchase of all supplies, goods, wares and merchandise, material and equipment which may be required for the various departments, divisions or services of the city.

(2) He or she shall keep the Council fully advised as to the financial condition of the city and its needs. He or she shall be responsible for and prepare the annual estimate of revenues and expenditures, together with a proposed budget for presentation to the Council prior to consideration by the Council of the adoption of the annual appropriations ordinance. When a budget has been adopted and an appropriation ordinance passed, he or she shall be responsible for the control of budgeted expenditures.

**Wayne - Administration**

(3) He or she shall serve as public relations officer of the city government and, in such capacity, shall investigate and adjust all complaints filed against any employee, department, division or service of the city and cooperate with all community organizations whose aim and purpose is to advance the best interests of the city and its people, and shall attend meetings of such organizations if, in his or her judgment, such attendance is necessary and desirable.

(4) He or she shall attend all meetings of the Council, with the duty of reporting any matter concerning city affairs under his or her supervision or direction, and to attend such other meetings of city departments, divisions and services of the city government and of all employees, and to make recommendations to the Council. He or she shall faithfully carry out directives and recommendations of the Council in coordinating the administrative functions and operations of the various departments.

(5) He or she shall procure facts and submit proposals for long range programs and improvements to the Council. He or she shall make recommendations to the Council in any matter believed by him or her to be necessary or expedient.

(6) He or she shall recommend to the Council the appointment and dismissal of all department heads over which he or she exercises jurisdiction. Appointment and dismissal of department heads will be made upon the recommendations of the Mayor and confirmation by the Council. The City Administrator may appoint and dismiss all subordinate employees of the city, as well as provide for the transfer of such employees from one department to another; except that, he or she shall not discharge those employees covered under the civil service act of the state. The City Administrator shall have the duty and the right to investigate and make recommendations to the Council regarding activities of any employee of the city covered by the civil service act of the state including the filling of vacant positions.

(7) He or she shall administer and be responsible for all departments and divisions of the city government which are under the direction of the Council, including Police and Fire Departments, except as insofar as such jurisdiction and administration conflicts with the civil service law pertaining to Police and Fire Departments.

(8) He or she shall prepare and recommend to the Council a classification and compensation plan. He or she shall be the Personnel Officer of the city and shall keep and maintain appropriate records of the employment status of each employee.

(9) He or she shall see to the fair and impartial enforcement of ordinances of the city and to the faithful performance of any contract or obligation running to the city.

(10) He or she shall exercise general supervision over all public buildings, streets and other public property which are under the control and jurisdiction of the Council.

(11) He or she shall cause to be prepared, if requested, and submit to the Council as of the end of each month and of the fiscal year a complete report on the finances and administrative activities of the city for the preceding period.

(12) He or she shall serve in any appointed office or head of department within the city government if the need arises; and when appointed by the Council, hold and perform the duties at the pleasure of the Council.

(13) He or she shall perform such other duties and exercise such other powers as may be delegated to him or her by ordinance or resolution of the Council.

(14) He or she shall have the duty to keep open his or her office for public affairs during days and hours set by the Council and shall perform such other duties and exercise such other powers as may be delegated to him or her by ordinance or resolution of the Council.

(E) *Compensation.* The salary of the City Administrator shall be fixed by resolution of the Council, payable at the same time as other employees.

(F) *Line of authority.* The Council and its members shall deal with the administrative services of the city only through the City Administrator, except for the purpose of inquiry, and neither the Council nor any members of the Council shall give orders to any subordinate of the City Administrator.

(G) *Jurisdiction over City Clerk and City Treasurer.* The Offices of the City Clerk and the City Treasurer are placed under the jurisdiction of the City Administrator.  
(2002 Code, § 2-206)

## COMPENSATION

### § 32.055 ADOPTION OF SCHEDULE.

(A) Salaries of officers and employees of the city shall be in such amount as the Council shall fix by resolution. After the Council has adopted a wage and salary schedule with appropriate employee classifications and wage ranges for each classification, by resolution, such resolution shall be sufficient for all changes in salary for city employees included without further resolutions being passed, approved and published. All salaries shall be on file at the office of the City Clerk and available for public inspection at any reasonable time.

(B) The salaries and compensation filed in the office of the City Clerk shall not be construed to preclude the additional payment of mileage and expenses to officers and employees of the city, if and when claims are duly filed, audited and allowed.  
(2002 Code, § 2-231)

**§ 32.056 CHANGE IN SALARY.**

(A) The emoluments of any elected official shall not be increased or diminished during the term of office for which he or she was elected, except that elected officials who are elected to the Council or other body having more than one member and terms of one or more members commence and end at different times, the compensation of all members of that body may be increased or diminished at the beginning of the full term of any member.

(B) No person who shall have resigned or vacated any elective office shall be again eligible to hold the office during the term he or she was elected to if, after resignation, the emoluments have been increased.

(2002 Code, § 2-232)

***Statutory reference:***

*Related provisions, see Neb. RS 16-326*

**§ 32.057 EXTRA COMPENSATION PROHIBITED; EXCEPTION.**

No officer of the city shall receive any pay or prerequisites from the city other than his or her salary, as provided by resolution; and the Council shall not pay or appropriate any money or any valuable thing to any person not an officer for the performance of any act, service or duty the doing or performance of which shall come within the proper scope of the duties of any officer of the city unless specifically appropriated and ordered by a vote of three-fourths of all members of the Council.

(2002 Code, § 2-233)

***Statutory reference:***

*Related provisions, see Neb. RS 16-502*

***CONTRACTS*****§ 32.070 COMPETITIVE BIDDING.**

Notwithstanding any other provision of this subchapter, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall represent the best alternative available to the city in terms of, but not limited to, price and quality of the property or services.

(2002 Code, § 2-264)

***Statutory reference:***

*Related provisions, see Neb. RS 14-102 and 49-14,103.01*



**§ 32.071 RECORDS.**

(A) The City Clerk shall maintain, separately from other records, a ledger containing the information about every contract entered into by the city in which an officer of the city has a direct or indirect interest as specified in such sections and for which a disclosure is made as provided in those sections. Any officer who has a direct or indirect interest, as provided in those sections, in a contract entered into with the city, shall provide the City Clerk with:

- (1) Names of the contracting parties;
- (2) Nature of the interest of the officer in question;
- (3) Date the contract was approved by the city;
- (4) Amount of the contract; and
- (5) Basic terms of the contract.

(B) The information supplied relative to the contract shall be provided to the City Clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the City Clerk shall be available for public inspection during normal working hours in the office of the City Clerk for a period of five years from the date of the officer's last day in office.

(2002 Code, § 2-265)

***Statutory reference:***

*Related provisions, see Neb. RS 49-14,103.02*

**§ 32.072 OPEN ACCOUNT.**

(A) An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to §§ 32.70 and 32.71.

(B) The statement required to be filed by § 32.71 shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for such governing body shall maintain a running account of amounts purchased on the open account.

(C) Purchases made from petty cash or a petty cash fund shall not be subject to this subchapter. (Neb. RS 49-14,103.03) (2002 Code, § 2-266)

**RETIREMENT AND PENSION****§ 32.090 POLICE DEPARTMENT.**

The city shall establish and maintain a Police Officers Retirement System Fund pursuant to Neb. RS 16-1001 et seq. In order to fund this retirement plan, the Council may make a levy in addition to the multiple levies or the all-purpose and exclusive levy which the city is authorized by law.

(2002 Code, § 2-291)

**Statutory reference:**

*Police officers retirement, see Neb. RS 16-1001 et seq.*

**§ 32.091 POLICE DEPARTMENT RETIREMENT COMMITTEE.**

(A) The Retirement Committee shall supervise the general operation of the Police Officers Retirement System Fund. The Retirement Committee shall consist of six members, of which four members shall be elected by the active paid police officers of the city. Two members shall be designated by the Council. The members who are not participants in the Retirement System Fund shall have a general knowledge of retirement plans. Members of the Council, active members of the Police Department and members of the general public may serve on the Retirement Committee. The Committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as the predecessor. Members of the Retirement Committee shall receive no salary and shall not be compensated for expenses.

(B) The funds of the Retirement System Fund shall be invested by the Retirement Committee. The city or the Committee shall contract with an insurance company, trust company or other financial institution, including, but not limited to, brokerage houses, investment managers, savings and loan associations, banks, credit unions or Farmers Home Administration or Veterans' Administration approved lenders. Such funds shall be invested pursuant to the policies established by the State Investment Council.

(C) It shall be the duty of the Retirement Committee to:

(1) Provide each employee with a summary of plan eligibility requirements and benefit provisions;

(2) Provide, within 30 days after a written request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;

(3) Make available for review an annual report of the system's operation describing both the amount of contributions to the system from both employee and employer sources and an identification of the total assets of the Retirement System Fund; and

(4) Have an analysis made of the investment return that has been achieved on the assets of the Retirement System Fund administered by the committee. Such analysis shall be prepared each five years. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system.

(2002 Code, § 2-292)

***Statutory reference:***

*Related provisions, see Neb. RS 16-1014 through 16-1017*

