

Chapter 2
Administrative
Article 1. Meetings and Committees

§2-101 Form of Government.

The City of Fremont, Nebraska is a City of the First Class with a municipal government organized pursuant to the provisions of Chapter 16 of the Revised Statutes of Nebraska.

§2-102 Regular Meetings.

The regular meetings of the City Council shall be held in the City Council Chambers on the second (2nd) and last Tuesday of each month. The regular meetings may be preceded by an informal study session with the formal meeting beginning at 7:00 p.m. or as soon thereafter as called to order by the Mayor. Any such study session shall be included on the agenda for the meeting, included in all published notices, and open to the public. At such informal study sessions, any or all agenda items may be discussed by staff and/or Council members. The Council shall neither take nor agree to take any formal action at such informal study sessions. The City Council may, by a majority vote of all members elected to the Council cancel or reschedule the regular meetings scheduled for the second or last Tuesdays in November, or the regular meeting scheduled for the last Tuesday in December. In such case, notice of cancellation or rescheduled meeting will be given in the same manner as required for regularly scheduled Council meetings. In the event that inclement weather or other conditions present a danger to public health or safety, any meeting may be rescheduled by the Mayor. In such case, notice of rescheduled meeting will be given in the same manner as required for regularly scheduled Council meetings.

§2-103 Formal Council Study Sessions.

Formal Council Study Sessions may be held, if necessary, on the first and third Tuesday of each month to discuss issues, develop policies and hear presentations. All items to be discussed during a Formal Council Study Session shall be specifically listed on the agenda for that meeting. No formal action or votes will be taken on any item during the Formal Council Study Session and no item that is not on the agenda may be discussed. Formal Council Study Sessions shall be open to the public and shall commence at the hour of 5:30 p.m.

§2-104 Special Meetings.

Special meetings may be called by the Mayor or by four members of the City Council, the object of which shall be submitted to the Council in writing.

§2-105 City Council; Quorum; Voting.

(1) A majority of all the members of the City Council must be present at a regular or special meeting to constitute a quorum; but if less than such majority is

present at the meeting, the majority of the Council Members present may adjourn from time to time without further notice.

(2) Except in those cases where Nebraska law requires a greater number of votes, five affirmative votes shall constitute a majority vote required to adopt a motion, resolution, ordinance, action or policy. In those cases where the Mayor is authorized by law to vote, the Mayor's vote may be counted as one of the five necessary affirmative votes.

(3) On votes requiring two-thirds vote of the Council, such vote shall require six affirmative votes to pass.

(4) On votes requiring three-fourths vote of the Council, such vote shall require six affirmative votes to pass.

§2-106 Agenda for Meetings.

All matters for consideration at any regular meeting or formal study session of the City Council shall be submitted in writing and filed in the office of the City Clerk. The City Clerk shall place upon the agenda of any regular, special or formal study session meeting only those matters which have been directed by one Council Member, or authorized by the Mayor or the City Administrator.

§2-107 Rules of Order.

The current edition of Robert's Rules of Order shall guide the proceedings of the Council where not in conflict with statutes or ordinances.

§2-108 Meeting; Rules of Conduct.

The business and proceedings of the meeting of the Council shall be conducted in accordance with the following rules:

(1) No electronic communication with, among, or between council members and staff or any other person shall be permitted during the Council meeting.

(2) The presiding officer may refer back to any order of business after passing it, if there is no objection from any Council Member.

(3) The presiding officer shall preserve order at all meetings. All questions of order shall be decided by the presiding officer, subject to appeal to the Council. In such appeal, a Council Member shall state briefly what in their opinion the ruling should have been and upon this appeal being seconded, the question of the appeal shall be called by the presiding officer.

(4) When a question is being called by the presiding officer, no Council Member shall leave the Council Chambers.

(5) Upon request of any Council Member, any motion or resolution shall be reduced to writing before being acted upon.

(6) The minutes of the meeting shall show the Council Member who offered or introduced a motion, resolution, or ordinance and the Council Member seconding the same.

(7) The individual votes cast by Council Members upon any question shall be taken and recorded in the minutes.

(8) The Council may reprimand or censure any of its members for improper behavior as Council Members.

(9) Any resolution, ordinance, or motion may be withdrawn by its introducer or mover with consent of the Council Member seconding same, before same is voted upon.

(10) Motions to reconsider may only be made by a Council Member who voted with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the consideration of the same question.

(11) The presiding officer may reasonably limit the time during which any person not a member of the Council may address a Council meeting.

(12) The presiding officer may express their opinion on any subject being discussed or debated by the Council.

(13) When a blank is to be filled and different sums or times are proposed, the question shall be called on the largest sum and longest time first.

(14) When a question is under debate by the Council, no motion shall be made, entertained or seconded, except the following privileged motions: First, the previous question; second, to table; third, to adjourn. Each of the privileged motions shall be decided without any debate.

(15) Any rule of the Council may be suspended by a three-fourths (3/4) vote of the members present.

§2-109 Audience; Rules of Conduct.

The following rules are established for audience members at a Council meeting:

(1) At the discretion of the presiding officer, any person may address the Council, on any agenda item; however, questions to City officials or staff, other speakers, or members of the audience are not permitted and will not be answered.

(2) Any person wishing to address the Council shall first state their name and address

(3) Remarks shall be limited to five minutes unless extended or limited by the Presiding Officer or majority vote of the Council.

(4) No person will be permitted to address the Council more than once during discussion of a particular agenda item. Rebuttal comments are not permitted.

(5) Repetitive or cumulative remarks may be limited or excluded by the Presiding Officer or majority vote of the Council.

(6) Profanity or raised voice is not permitted.

(7) Applause, booing, or other indications of support or displeasure with a speaker are not permitted.

(8) Any person violating these rules may be removed from the Council Chambers.

§2-110 Mayor's Committees.

Mayor's committees may be appointed by the Mayor without Council approval to advise the Mayor in regard to special issues. Mayor's committees are subject to the open meetings law. Findings and recommendations of Mayor's committees shall be

submitted to the Mayor and shall be considered as advising the Mayor only and not the Council.

§2-111 Council Committees.

Committees of the Council may be created by the Mayor and approved by a majority of the Council to advise the Council in regard to special issues. Each committee will consist of not more than four Council Members, appointed by the Mayor and confirmed by the Council. The committees may also consist of other members, including staff, who shall serve only as non-voting members. The manner of appointment shall be the same. The chairman of the committee will be a Council Member. Council committees shall conduct their meetings in compliance with the open meetings law, shall maintain minutes of all meetings, and shall submit their minutes, findings, and recommendations to the City Council in writing in a timely manner. Appointments to Council Committees shall be for a term of one year unless ended sooner by dissolution of the committee. The committee may be dissolved by any of the following actions:

- (1) Majority vote of the committee to dissolve;
- (2) Resolution of the special issue assigned;
- (3) Majority vote of the city council; or
- (4) Expiration of one year from date of creation unless reappointed.

§2-112 Board and Commissions.

The City Council may establish citizen advisory boards and commissions of either a permanent or temporary nature to study and/or make recommendations on designated issues. The list of boards and commissions shall be maintained and on file in the office of the City Clerk. Certain powers may be delegated to boards and commissions as provided for by statute. Boards and commissions of a permanent nature shall be established by ordinance and members appointed by the Mayor with the consent of the City Council. Boards and Commissions shall conduct their meetings in compliance with the open meetings law, shall maintain minutes of all meetings, and shall submit their minutes to the City Clerk in writing in a timely manner.

Article 2. Elected Officials

§2-201 Mayor; Powers; Duties

The Mayor shall be elected at large to serve a four year term of office. The Mayor shall preside at all the meetings of the City Council and shall have the right to vote when his vote shall be decisive and the City Council is equally divided on any pending matter, legislation, or transaction and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. He shall have the superintending control of all the officers and affairs of the City and shall take care that the State and City law are complied with. He may administer oaths, and shall sign the commissions and appointments of all the officers appointed in the City. The Mayor may have such jurisdiction as may be vested in him by ordinance over all places within two miles of the corporate limits of the City for the enforcement of health or quarantine laws and the regulation thereof. The Mayor shall have the power after the conviction of any

person to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under the laws of the City.

§2-202 Mayor; Veto Powers; Passage Over Veto.

The Mayor shall have the power to approve or veto any ordinance passed by the City Council, and to approve or veto any order, bylaw, resolution, award or vote to enter into any contract, or the allowance of any claim; provided, that any ordinance, order, bylaw, resolution, award, or vote to enter into any contract, or the allowance of any claim vetoed by the Mayor may be passed over his veto by a vote of two-thirds of all the members elected to the City Council. If the Mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award, or vote to enter into any contract, or the allowance of any claim, and returns the same with his objection in writing at the next regular meeting of the Council, the same shall become law without his signature. The Mayor may veto any item or items of any appropriation bill, and approve the remainder thereof. The item or items so vetoed may be passed by the Council over his veto as in other cases.

2-203 Council; Authority; Duties.

Two City Council Members shall be elected for a four (4) year term from each ward. One Council Member from each ward shall be elected at each election, so that terms are staggered. They shall be electors of the City and residents of the ward from which they were elected.

The Council can bind the City of Fremont, Nebraska, by their acts only when they are duly assembled at a regular or special meeting. The City Council shall do all things necessary to comply with, and enforce the ordinances of the City of Fremont and the laws of the State of Nebraska relating to cities of the first class.

The City Council specifically reserves the right to make inquiries of any personnel relative to municipal activities. The City Council may, by motion or resolution, adopt appropriate personnel rules, and amend such rules in the same manner from time to time.

§2-204 Council President; Election; Term; Duties.

The City Council shall elect one (1) of its own body every two (2) years who shall be styled the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor, and the President of the Council, the City Council shall elect one (1) of its own body to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council, and all acts of the President of the Council, or Acting President of the Council, while so acting, shall be as binding upon the City Council, and upon the City as if done by the elected Mayor.

In the event that there is a vacancy in the office of Mayor, or in the event the Mayor is absent or unable to fulfill the duties and obligations of his office, the President of the Council shall exercise the powers and duties of the office until the

vacancy shall be filled, such disability is removed, or in the case of temporary absence, until the Mayor returns.

§2-205 Mayor and Council; Benefit Plans.

The Mayor and members of the City Council shall be eligible, at their option, and at their full expense, to participate in the City sponsored medical insurance program.

§2-206 Bonds for Elected Officials.

Before entering upon the duties of their office, the following named elective officers of the city are hereby required to give bonds and security as provided by law for the faithful performance of their duties, which bonds shall be approved by the City Council and shall be given for the following sums:

Mayor	\$ 10,000
City Council Member	\$ 1,000

§2-207 Elected Officials; Participation in City Authorized Keno Lottery Operations; Restrictions.

The Mayor and members of the City Council and their spouses shall, neither directly or indirectly, during their terms of office and for one (1) year thereafter own any interest in or be employed by, or in any manner receive, either directly or indirectly, compensation, remuneration, payments or other thing of value from the City's appointed keno lottery contractor, from any parent, subsidiary or affiliate entity of said contractor, or from any person owning an interest or working for any of the foregoing or promoting the interests thereof.

§2-208 Removal of Elected Official for Misconduct.

Any elected official of the city may be removed from office for misconduct or malfeasance pursuant to state statute by the Mayor and Council in the following manner:

Upon the filing of written charges signed and verified, charging any such officer with misconduct, the Council shall by resolution set a time for hearing not less than five days nor more than ten days subsequent to the passage of such resolution for a hearing on such charge. At such hearing, the officer whose conduct shall have been called into question shall have the right to be present to interrogate witnesses, to be represented by counsel, and either in person or by counsel make a statement or argument to the council. The City Attorney shall act as prosecuting attorney and shall have the right to examine or cross examine each witness presented and to make any statement or argument to the Council. If upon such hearing, the Council shall by a three-fourths vote of all the Council Members, find or determine that the officer in question has been guilty of misconduct rendering him or her an unfit person to hold such office, then the City Council may declare such office vacant and such office shall then be vacant forthwith.

§2-209 Filling Vacancies for Elective Officers.

The Mayor shall fill by appointment any vacancy which may exist, caused by death, resignation or disability of any elective officer of the City. Such appointment of the Mayor shall be subject, however, to approval of the majority of the Council in accordance with Nebraska Revised Statute 32-560.

§2-210 Contracts; Interest of Officers Prohibited; Exceptions.

No officer, elected or appointed, or member of any appointed board or commission having authority to commit public funds for expenditure of the City of Fremont shall be interested, directly or indirectly, in any contract to which the City is a party unless said officer or member demonstrates full compliance with the Nebraska Political Accountability and Disclosure Act, and the expenditure is specifically appropriated and ordered by a vote of three-fourths (3/4) of all the members elected to the Council. No contract may be divided for the purpose of evading the requirements of this section. Violation of the provisions of this section shall void the obligation of such contract on the part of the City, and shall constitute a misdemeanor.

Article 3. Ordinances and Resolutions

§2-301 Ordinances; Appropriation Of Money.

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 all members elected to the Council. The Mayor may vote on any such matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the Council, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council.

§2-302 Ordinances; Reading.

Ordinances of a general or permanent nature shall be read by title on three (3) different days unless three-fourths (3/4) of the members of the Governing Body vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the involuntary annexation of territory. In the case such requirement is suspended, the ordinance shall be read by title or number and then moved for final passage. Three-fourths (3/4) of the members of the Council members may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

§2-303 Ordinances; Publication.

All ordinances of a general nature shall, within fifteen (15) days after they are passed, be published one (1) time either in some newspaper published within the Municipality or in pamphlet form.

§2-304 Ordinances; Style.

The style of all City ordinances shall be: "Be it ordained by the Mayor and Council of the City of Fremont, Nebraska."

§2-305 Ordinances; Title.

No ordinance shall contain a subject not clearly expressed in its title.

§2-306 Ordinances; Effective Date; Emergency Ordinances.

(1) Except as provided in subsection (2) of this section, an ordinance for the government of the Municipality which has been adopted by the City Council without submission to the voters of the Municipality shall not go into effect until fifteen (15) days after the passage of the ordinance.

(2) In the case of riots, infectious diseases or other impending danger, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Mayor immediately upon the first publication of the ordinance.

§2-307 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, and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the Municipality and modifications to zoning or building districts may be adopted as otherwise provided by law.

§2-308 Resolutions and Motions.

(1) Resolutions presented to the Council shall be written and contain no subject not clearly expressed in the title. The issue raised by said resolutions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Council. Unless otherwise provided, an affirmative vote of four (4) Council members shall be required to pass any resolution, when four (4) shall represent the majority of Council members present.

(2) The Council may dispose of any agenda item not otherwise requiring the enactment of an ordinance or passage of formal resolution by motion in accordance with the usage of parliamentary law adopted for the guidance of Council. The subject of the motion shall be clearly stated by the moving party and recorded by the Clerk. Unless otherwise provided, a majority vote of Council members present shall be required to pass any motion.

(3) The Mayor may vote on any such matter when his vote would be decisive, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. The vote on any resolution or motion shall be a roll call or viva voce and "yeas" and "nays" thereon shall be recorded by the Clerk. The requirement of a roll call or viva voce vote may be satisfied by an electronic voting device which allows the "yeas" and "nays" of each Council member to be readily seen by the public.

Article 4. Wards

§2-401 Election Wards and Districts.

All elective city officers shall be nominated and elected on a nonpartisan ballot.

First Ward

The First Ward of the City shall consist of all that part of the City lying and being east of "C" Street extended north to the City limits; thence south to Twenty-first (21st) Street; thence east to Union Street; thence south to Tenth

(10th) Street; thence east to Logan Street; thence south to Ninth (9th) Street; thence east to Lincoln Avenue; thence north to Phelps Avenue; thence east to Luther Road; thence south to the south line of Brentwood Park Fourth Addition; thence east to the City limits; thence north to the south line of Brentwood Park Second Addition and to the City limits; thence east to the City limits.

Second Ward

The Second Ward of the City shall consist of all that part of the City lying and being West of “C” Street extended north to the City limits; thence south to Twenty-first (21st) Street; thence east to Union Street; thence south to Eleventh (11th) Street; thence west to Nye Avenue; thence south to Tenth (10th) Street; thence west to Somers Avenue; thence north to Twenty-third (23rd) Street; thence west along 23rd Street to the City limits.

Third Ward

The Third Ward of the City shall consist of all that part of the City lying west and being south of Twenty-third (23rd) Street extended west along 23rd Street to the City limits; thence east to Somers Avenue; thence south to Tenth (10th) Street; thence east to Nye Avenue; thence north to Eleventh (11th) Street; thence east to Union Street; thence south to Tenth (10th) Street; thence east to Clarkson Street; thence south to Eighth (8th) Street; thence east to Platte Avenue; thence south to the City limits.

Fourth Ward

The Fourth Ward of the City shall consist of all that part of the City lying east of Platte Avenue extended to the south City limits; thence north to Eighth (8th) Street; thence west to Clarkson Street; thence north to Tenth (10th) Street; thence east to Logan Street; thence south to Ninth (9th) Street; thence east to Lincoln Avenue; thence north to Phelps Avenue; thence east to Luther Road; thence south to the south line of Brentwood Park Fourth Addition; thence east to the City limits; thence north to the south line of Brentwood Park Second Addition and to the City limits; thence east to the City limits.

Election Districts – First Ward

The First Ward of the City is hereby divided into five (5) election districts as follows:

First District. The First Election District “1-A” shall consist of all that part of the First Ward lying east of Yager Road extended north to the City Limits; thence south to Twenty-eighth (28th) Street extended; thence west to Pebble Street extended; thence south to Twenty-seventh (27th) Street extended; thence west to Platte Avenue extended; thence south to Sixteenth (16th) Street; thence east to Clarmar Avenue; thence north to 19th Street, thence West Clarmar Avenue, thence North to Twenty-third (23rd) Street; thence east to Laverna Street; thence north to the south line of Central Park Addition; thence west to the west line of Central Park Addition; thence north to the City Limits.

Second District. The Second Election District “1-B” shall consist of all that part of the First Ward lying and being south of Sixteenth (16th) Street and west of Lincoln Street.

Third District. The Third Election District “1-C” shall consist of that part of the First Ward lying south of Sixteenth (16th) Street and lying east of Lincoln Street.

Fourth District. The Fourth Election District “1-D” shall consist of all that part of the First Ward lying north of Sixteenth (16th) Street and lying west of Platte Avenue extended south to Sixteenth (16th) Street; thence north to Twenty-seventh (27th) Street extended; thence east to Pebble Street extended; thence north to Twenty-eighth (28th) Street extended; thence east to Yager Road; thence north to the City Limits.

Fifth District. The Fifth Election District “1-E” shall consist of that part of the First Ward lying north of Sixteenth (16th) Street and lying east of Clarmar Avenue extended south to Sixteenth (16th) Street; thence north to 19th Street, thence West to Union Avenue, thence North to Twenty-third (23rd) Street; thence east to Laverna Street; thence north to the south line of Central Park Addition; thence west to the west line of Central Park Addition; thence north to the City Limits.

Election Districts – Second Ward

The Second Ward is hereby divided into five (5) election districts as follows:

First District. The First Election District “2-A” shall consist of that part of the Second Ward lying between Broad Street and Union Street and between Nineteenth (19th) Street and Eleventh (11th) Street.

Second District. The Second Election District “2-B” shall consist of that part of the Second Ward between Broad Street and Somers Avenue south of Seventeenth (17th) Street.

Third District. The Third Election District “2-C” shall consist of that part of the Second Ward lying and being north of Twenty-third (23rd) Street and west of Somers Avenue.

Fourth District. The Fourth Election District “2-D” shall consist of all of the Second Ward lying and being north of Twenty-third (23rd) Street and east of Somers Avenue and lying and being east of Broad Street between Nineteenth (19th) Street and Twenty-third (23rd) Street.

Fifth District. The Fifth Election District “2-E” shall consist of all of the Second Ward lying and being east of Somers Avenue and west of Broad Street, between Seventeenth (17th) Street and Twenty-third (23rd) Street.

Election Districts – Third Ward

The Third Ward is hereby divided into five (5) election districts as follows:

First District. The First Election District “3-A” shall consist of that part of the Third Ward lying east of Somers Avenue and south of Tenth (10th) Street; thence east to Nye Avenue; thence north to Eleventh (11th) Street; thence east to “D” Street; thence south to Military Avenue; thence west to Somers Avenue.

Second District. The Second Election District “3-B” shall consist of all that part of the Third Ward lying and being east of Pierce Street and west of “D” Street, between Military Avenue and the Union Pacific Railroad.

Third District. The Third Election District “3-C” shall consist of all that part of the Third Ward lying and being south of the Union Pacific Railroad and west of “D” Street.

Fourth District. The Fourth Election District “3-D” shall consist of all that part of the Third Ward lying and being west of Somers Avenue and north of Military Avenue and all that part of the Third Ward lying and being south of Military Avenue and west of Pierce Street, North of the Union Pacific Railroad.

Fifth District. The Fifth Election District “3-E” shall consist of all that part of the Third Ward lying and being east of “D” Street and south of Eleventh (11th) Street; thence east to Union Street; thence south to Tenth (10th) Street; thence east to Clarkson; thence south to Eighth (8th) Street; thence east to Platte Avenue.

Election District – Fourth Ward

The Fourth Ward shall be divided into five (5) election districts as follows:

First District. The First Election District "4-A" shall consist of all that portion of the Fourth Ward from Lincoln Avenue to Howard Street, between First Street and Ninth (9th) Street, and all that portion from Lincoln Avenue to Clarmar Avenue, between Cuming Street and First (1st) Street, and all that portion from Garfield Street to Clarmar Avenue, between Railroad Street and Cuming Street.

Second District. The Second Election District "4-B" shall consist of all that portion of the Fourth Ward from Bell Street to Lincoln Avenue, between Cuming Street and Ninth (9th) Street and all that portion from Bell Street to

Garfield Street between Railroad Street and Cuming Street, and all that portion South of Railroad Street.

Third District. The Third Election District "4-C" shall consist of all that portion of the Fourth Ward lying north of the south City limits and east of Clarmar Avenue; thence north to First (1st) Street; thence east to Howard Street; thence north to Military Avenue; thence east to Luther Road; thence east to the east City limits.

Fourth District. The Fourth Election District "4-D" shall consist of that portion of the Fourth Ward lying north of Military Avenue and east of Howard Street; and that portion of the Fourth Ward lying north of Ninth (9th) Street between Howard Street on the east and Lincoln Avenue on the west.

Fifth District. The Fifth Election District "4-E" shall consist of all that portion of the Fourth Ward lying north of the south City Limits and east of Platte Avenue; thence north to Eighth (8th) Street; thence west to Clarkson Street; thence north to Tenth (10th) Street; thence east to Logan Street; thence south to Ninth (9th) Street; thence east to Bell Street; thence south to the south City Limits.

Article 5. Appointed and Hired Officials

§2-501 Officers; Appointed

The following shall constitute the statutory officers of the City of Fremont which shall be appointed by the Mayor and approved by the City Council. These officers shall hold office until the end of the Mayor's term and until their successors are appointed and qualified. These appointed officers may be removed at any time by the Mayor, with the approval of a majority of the City Council:

City Administrator
City Attorney
City Clerk
City Treasurer
City Engineer/Public Works Director
City Physician

§2-502 Hired Officials

The officials set forth below shall be hired officials which shall be selected for employment by the city as set forth in the personnel rules and regulations. All of the hired officials shall be subject to the personnel rules of the City of Fremont as adopted by resolution. The personnel rules are supplemental to the Civil Service rules for the officials set forth in subparagraph (B). The discipline and/or removal of the officials listed in subparagraphs (A) shall be governed by the City's personnel rules. The termination or suspension without pay of the officials listed in (A) shall be entitled

to a hearing before council. The discipline and/or removal of the officials listed in subparagraph (B) shall be governed by the City's personnel and Civil Service rules.

(A) The following shall constitute the general officials of the City of Fremont:

Finance Director
Building Official
Human Resources Manager
Director of Parks and Recreation
Library Director
Planning Director
Information Systems Manager
Assistant City Administrator – City
Assistant City Administrator – Utilities

(B) The following shall constitute the officials subject to the Civil Service rules of the City of Fremont (Civil Service Officials):

Fire Chief
Police Chief

§2-503 Bonds for Appointed Officials.

Before entering upon the duties of their employment, the following named appointed officials and employees of the city are hereby required to give bond and security as provided by law for the faithful performance of their duties, which bond shall be approved by the City Council and shall be given for the following sums:

City Treasurer	\$100,000
Director of Finance	\$250,000
City Administrator	\$250,000

§2-504 Ratification of Retirement and Pension Plans.

The City hereby affirms and ratifies the existing pension and retirement plans it has established which specifically includes the following plans:

(1) A Police Officers Retirement System Fund and retirement plan pursuant to Neb. R.R.S. §16-1001 et seq;

(2) A Fire Fighters Retirement System Fund and retirement plan pursuant to Neb. R.R.S. §16-1020 et seq;

(3) A general employee pension fund and pension plan pursuant to Neb. R.R.S. §19-3501.

Said funds and plans are hereby ratified and confirmed.

§2-505 Participation in City Authorized Keno Lottery Operations; Restrictions

The City Administrator, City Clerk/Treasurer and Finance Director and their spouses shall, neither directly or indirectly, during their terms of office and for one (1) year thereafter own any interest in or be employed by, or in any manner receive, either directly or indirectly, compensation, remuneration, payments or other thing of value from the City's appointed keno lottery contractor, from any parent, subsidiary or affiliate entity of said contractor, or from any person owning an interest or working

for any of the foregoing or promoting the interests thereof. The City Administrator, City Clerk/Treasurer and Finance Director shall not play the lottery during their terms of office.

§2-506 City Administrator; Appointment; Duties.

There is hereby created the office of City Administrator. The purpose of the office of the City Administrator is to provide the centralization of the administrative responsibilities. The City Administrator shall be appointed by the Mayor by and with the consent of the City Council or a majority of the same. The employment of the City Administrator may be administered by a negotiated contract.

The Mayor and Council shall determine all Municipal policies, adopt ordinances and resolutions and vote all appropriations. The Mayor and Council are the Governing Body of the City, and the City Administrator is its agent in carrying out the policies and directions which the Mayor and Council shall determine. The City Administrator may recommend to the Mayor and Council for adoption such measures and ordinances as are deemed necessary or expedient. The City Administrator may be removed at the pleasure of the Mayor by vote of a majority of all members of the Council.

The City Administrator shall be the administrative head of the City government under the direction and control of the Mayor and Council, and shall administer all departments and divisions of the City government which are under the Mayor and Council's direction, except the office of the City Attorney, City Physician and Civil Service Officials. The City Administrator will be available to assist these offices in any administrative matter and will assist the Mayor and Council in the coordination of these activities. The City Administrator shall be responsible to the Mayor and Council for the efficient administration of all affairs of the City, which are under the Mayor and Council's control. In relation to the efficient administration of the affairs of the City, the City Administrator shall work within the policies set forth by the Mayor and Council. Subject to the policies of the Mayor and Council, the City Administrator may delegate the duties of the office to the Assistant City Administrator – City and the Assistant City Administrator – Utilities, as the City Administrator deems appropriate.

The City Administrator shall deal with the Mayor and Council as a body on all official City affairs. Any and all reports and communications shall go to the Mayor and all members of the Council. The Mayor and individual members of the City Council may require reports from the office of the City Administrator on any specific City activity in addition to the regular reports. The Mayor and Council reserve the right to make inquiries of City personnel relative to City activities. The individual members of the City Council shall deal with personnel through the City Administrator. The salary of the City Administrator shall be established by ordinance. The City Administrator may also recommend to the Mayor and Council the appointment and dismissal of Appointed and Hired Officials. The City Administrator may appoint, discipline, transfer and dismiss all subordinate employees of the City except Civil Service Commission.

The City Administrator with the advice and assistance of the Assistant City Administrator – Utilities shall have administrative control over the street and storm sewer system, Department of Utilities and the Gas, Sewer, Water and Electric

Divisions of the City and shall enforce the laws relating to said departments as well as carry out any order or directive of the Mayor and City Council and recommendations of the Utility and Infrastructure Board. The City Administrator and the Assistant City Administrator – Utilities shall advise and work with the Utility and Infrastructure Board as to its recommendations to the Mayor and Council. The City Administrator or his duly authorized agents, shall have free access at proper hours of the day to all parts of each premise and building to or in which gas, water, sewer, storm sewer, or electric service is furnished to examine the pipes, fixtures, wires and connections and ascertain whether there is any disrepair or violation of City law.

At the direction of the Mayor and Council, the City Administrator with the assistance of the Assistant City Administrator – Utilities shall have the active direction, operation, and supervision of the streets and storm sewer system, plants and systems of waterworks, power production and distribution, including the street lighting system, gas purchase and distribution, sewer system, water system and the accounting, billing and collection for the same and such other municipal utilities as may be hereafter by ordinance conferred upon him and to faithfully account for the same to the Mayor and Council. Cash in excess of amounts required to pay expenses shall be made available for investment to the Director of Finance or his/her authorized agent.

No single expenditure shall exceed thirty thousand dollars (\$30,000) for material, supplies, service, and the replacement, and maintenance of equipment directly connected with the operation of the street and storm sewer system, electric system, wastewater system, waterworks, or natural gas distribution system, and their associated lines and facilities without advertising for bids and the approval of the Board and Council. These limits may be waived by the City Administrator and Mayor if an emergency is declared. Such a declaration shall be affirmed by the Council at its next regular meeting and the affirmation shall be made a part of the Council minutes. The City Administrator may purchase fuel on the spot market after receiving comparable quotations in excess of these limits; and may buy and sell electricity in the integrated market place. Bilateral electric sales and purchase agreements shall be approved by the Mayor and Council.

No contract shall be made by the Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditure shall have been ordered by the City Council or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise expressly provided by law.

No member of the Council shall serve as a member of the Utility and Infrastructure Board while serving a term of office as a member of the Council.

§2-507 City Administrator; Qualifications.

The City Administrator shall be chosen on the basis of executive and administrative qualifications with special reference to actual experience, or knowledge of accepted practice in respect to the duties of the office. At the time of appointment, the City Administrator need not be a resident of Fremont, Nebraska, but during the term of office he or she shall reside within the city limits.

§2-507.01 Assistant City Administrator - City

The Assistant City Administrator-City shall assist the City Administrator in any administrative matter. The Assistant City Administrator-City shall be under the direct control of the City Administrator at all times. The salary of the Assistant City Administrator – City shall be fixed by ordinance.

§2-507.02 Assistant City Administrator –Utilities

The Assistant City Administrator - Utilities shall assist the City Administrator in any administrative matter related to or involving the Utility and Infrastructure Board and the Department of Utilities, to all street and storm sewer system, and to all plants and systems of waterworks, power production and distribution, including the street lighting system, gas purchase and distribution, sewer system, water system and the accounting, billing and collection for the same and such other public utilities as may be hereafter by ordinance conferred upon the City Administrator. The Assistant City Administrator – Utilities shall be under the direction and control of the City Administrator at all times. The salary of the Assistant City Manager - Utilities shall be fixed by ordinance.

§2-508 Reserved

§2-509 City Attorney; Duties.

The City Attorney shall be the legal advisor of the Council and City officers. The City Attorney shall commence, and defend all suits and actions necessary to be commenced, or defended on behalf of the City, or that may be ordered by the Council. The City Attorney shall attend meetings of the Council and give opinion upon any matter submitted, either orally or in writing as may be required. The City Attorney shall draw all ordinances, contracts and other documents requested by the Mayor and Council. The Mayor and City Council shall have the right to pay the City Attorney additional compensation for legal services performed for the City or to employ additional legal assistance and to pay for such legal assistance out of the funds of the City. The City Attorney may be removed at the pleasure of the Mayor with the consent of the Council. The salary of the City Attorney shall be established by ordinance. Among the duties of the City Attorney shall be that of representing as counsel, without charge to the persons represented, any city officer or employee in connection with any claim, suit for damages, or other action against such person arising in connection with the performance by such officer or employee of his or her public duties; provided that such employee or officer may have his or her own counsel to assist in the defense, at the expense of the employee or officer. *Officer* shall include any elected, appointed, or hired official of the city and *Employee* shall include all employees of the city, whether under Civil Service or not. Any officer or employee who is held liable for the payment of any claims or damages, by way of judgment or settlement, shall be entitled to indemnification by the city, where the acts resulting in such liability were done in good faith, without malice, within the scope of authority of the employee or officer.

Nothing in this Article shall be construed as waiving the city's defense of governmental immunity to it or its employees or officers in any action brought against the city or such officer or employee. The provisions of this Article shall apply only where the city has been given notice of any actions brought against any city employee or officer, based upon any action of such employee or officer within the scope of his or her authority as such.

Nothing in this Article or in any ordinance of the city, and nothing in any agreement with the city attorney shall be construed to require the city attorney to provide legal services in any manner which would cause the attorney to be involved in a conflict of interest.

§2-510 City Clerk; Duties.

There is hereby created the office and position of City Clerk. The City Clerk shall be appointed by the Mayor with approval of a majority of the City Council. The City Clerk shall have the custody of all laws, ordinances and official records, and keep a correct journal of the proceedings of the Council, and perform all other duties and meet all requirements imposed by law upon the position or office of City Clerk. The City Clerk may be removed at the pleasure of the Mayor with the consent of the Council. The official Corporate Seal of the City shall be kept in the office of the City Clerk, and shall bear the following inscription, "THE CITY OF FREMONT, June 17, 1871. The Pathfinder, Gen. John C. Fremont."

§2-511 City Treasurer; Duties.

There is hereby created the office and position of City Treasurer. The City Treasurer shall be appointed by the Mayor with approval of a majority of the City Council. The City Treasurer shall have the custody of all City finances and perform all other duties and meet all requirements imposed by law upon the position or office of City Treasurer. The City Treasurer may be removed at the pleasure of the Mayor with the consent of the Council. In the absence of the Treasurer, the Director of Finance shall assume the duties of Treasurer.

§2-512 City Engineer; Duties.

The City Engineer shall be appointed by the Mayor by and with the consent of the Council. Except when some other person is specifically appointed, the Engineer shall be and assume the duties of the Director of Public Works. The Engineer may be removed at the pleasure of the Mayor with the consent of the Council. The City Engineer shall 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. The Engineer shall perform such additional duties required. The salary of the City Engineer shall be fixed by ordinance.

§2-513 Director of Public Works; Duties.

The Director of Public Works shall be under the immediate supervision of the City Administrator. The Director of Public Works shall have general charge, direction, and control over all work on the streets, sidewalks, culverts, and bridges of the City except where some other official is specifically designated as the official in charge of such improvements. He shall consult with the Division Supervisors concerning problems, programs, and policies in force; provide technical and engineering advice to the Mayor, City Council, City Administrator, Utility and Infrastructure Board and other City departments concerning public works programs and operating problems; organize, coordinate, direct, and supervise staff; assist division heads in determining expenditure requirements; prepare budget, review and approve requisitions, specifications, and purchase orders covering all individual expenditures of a public works nature; participate in engineering work; make studies analyzing operative reports of each division and develop programs to reduce cost or improve service; direct and participate in long-range planning; prepare long-range projections; investigate additional service areas. It shall be the Public Works Director's duty to see that sidewalks and the sidewalk space are not unlawfully occupied. He shall have the authority to go upon private property at reasonable hours in the exercise of official duties. He shall serve or cause to be served all notices pertaining to sidewalks, streets, alleys, and other property unless some other official is specifically required to serve such notices. The Director of Public Works may be removed at the pleasure of the Mayor with the consent of the Council.

§2-514 City Physician; Duties.

The City Physician shall be a member of the Board of Health and shall perform all duties devolving upon them in such capacity. It shall be the duty in all cases of injury to the person, in cases wherein a liability for such injury may be asserted against the City, to investigate such injury and the extent thereof and the circumstances and condition of the person so injured, and report the same in writing with such other particulars as may have come to his/her knowledge relating to such injury to the Mayor. The City Physician shall perform such other duties as may be required by the Mayor and Council.

The City Physician shall exercise special care with regard to the sanitary conditions of the City, and shall from time to time report to the Mayor and Council such measures and recommendations in relation thereto as deemed proper. The City Physician may be removed at the pleasure of the Mayor with the consent of the Council.

§2-515 Utility and Infrastructure Board is hereby created for the City; Composition; Appointment, Terms of Office; Chairperson; Holding Other Public Office.

The Utility and Infrastructure Board, hereinafter called the "Board" is hereby created. The former members of the Board of Public Works shall serve on the Utility and Infrastructure Board until their respective terms expire. The Utility and Infrastructure Board shall consist of five (5) members, which members shall be residents of the City, and appointed by the Mayor and with the assent of the City Council, hereinafter called the "City Council." The terms of office for members of

the Board shall be staggered and be for terms of five (5) years, maximum two terms then one term off, with each term of office to end on July 1 of the year the term ends. The Mayor, by and with the consent of the City Council, shall designate one of the members of such Board to be the Chairperson thereof. No member of the Board shall hold any other elective public office of any political subdivision of the State. No member of the Board shall ever be financially interested in a contract entered into by the Board on behalf of the City.

The Board may, at its discretion and at the direction of the Mayor, City Council and City Administrator, shall have advisory direction to make reports to the Mayor and City Council and City Administrator regarding the operation, and supervision of the street and storm sewer system, plants and systems of waterworks, power production and distribution, including the street lighting system, gas purchase and distribution, sewer system, water system, and the accounting, billing, and collection for the same, and such other public utilities as may be hereafter be conferred upon it by the Mayor and City Council and City Administrator

It shall be the duty of the Utility and Infrastructure Board to propose to the Mayor and City Council contracts on behalf the City for (a) the performance of all such work and erection of all such improvements in the manner provided in section §16-321, §16-325 and §16-501 Neb. Rev. Stat, (b) superintend the performance of all such work and the erection of such improvements, (c) approve the estimates of the City engineer, which may be made from time to time, of the value of the work as the same may progress, (d) accept any work done or improvements made when the same shall be fully completed according to contract, subject to the approval of the mayor and City Council, and (e) perform such other duties as may be conferred upon such Board by ordinance.

No contract shall be recommended to be made by the City Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the City, whether the object of the expenditure shall have been ordered by the City Council or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise expressly provided by law.

No member of the City Council shall serve as a member of the Board while serving a term of office as a member of the City Council. No member of the Board shall serve in the capacity of both the Chairperson and Secretary of the Board.

Before entering upon his duties, each member of the Board shall take an oath to faithfully discharge the duties of the office. The Chairperson shall hold office until a successor is appointed and qualified.

The Board shall meet in regular session twice monthly in any City building at a day and hour to be determined by the Board. Special meetings may be held at the call of the Chairperson or any three members of the Board. The Board shall select

one of its members to act as Secretary and to keep a record of its proceedings, and the proceedings shall be filed with the City Clerk as public records. Three (3) members of the Board shall constitute a quorum for the purpose of carrying on and transacting business at the meetings. In the absence of the Chairperson, the Board may select a Vice-Chairperson to preside at the meeting.

The Board shall receive compensation set by ordinance of the City Council.

Any member of the Board may at any time be removed from office by the Mayor and a majority of the City Council elected, and the proceedings of such removal shall be entered in the minutes of the City Council. Vacancies and unexpired terms occurring on the Board shall be filled by appointments made by the Mayor and confirmed by the City Council, in the same manner as original appointments.

§2-516 EMPLOYEES: POWERS,

The Board is hereby empowered to advise and recommend to the Mayor and City Council and City Administrator to employ persons and to purchase material for the operation and maintenance for the street and storm sewer system, electric production and distribution, natural gas distribution, water and sewer distribution, and wastewater and water treatment systems belonging to the City, subject to the prior approval of the City Council in respect to job classifications and compensation ranges.

It shall be the duty of the Board and it shall have the power to advise and recommend to the Mayor, City Council and City Administrator:

1. to recommend contracts on behalf of the City for the performance of all such work and maintenance and for the erection of all such improvements and enlargements except as limited by the statutes of the State, the provisions of this Code and other ordinances of the City:
2. to recommend the estimate of the City Engineer or special Engineer, if needed, which may be made from time to time, of the value of work as the same may progress:
3. to recommend that the Mayor and City Council accept any work done or improvements made when same shall be fully completed according to contract:
4. to recommend that the Mayor and City Council audit all accounts and claims against the City on account of or in connection with such systems:
5. to make its recommendations and reports to the City Council from time to time with reference to extensions, improvements and other matters pertaining to the street and storm sewer system, electric, water, sewer, and natural gas distribution systems, such as will in its opinion tend to the betterment of such systems and to promote public welfare: and

6. to perform such other duties in connection with the street and storm sewer system, electric, water, sewer, and natural gas distribution systems as may be referred to it by the City Council

A municipal 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: (a) thirty thousand dollars (\$30,000) or less; (b) sixty thousand dollars (\$60,000) or less and the municipal electric utility has gross annual revenue from retail sales in excess of one million dollars (\$1,000,000); (c) ninety thousand dollars (\$90,000) or less and the municipal electric utility has gross annual revenue from retail sales in excess of five million dollars (\$5,000,000); or (d) one hundred twenty thousand dollars (\$120,000) or less and the municipal electric utility has gross annual revenue from retail sales in excess of ten million dollars (\$10,000,000).

§2-516.01 Contracts: Interest of Officers Prohibited: Exceptions

No officer, elected or appointed, or member of any appointed board or commission having authority to commit public funds for expenditure of the City of Fremont shall be interested, directly or indirectly, in any contract to which the City is a party unless said officer or member demonstrates full compliance with the Nebraska Political Accountability and Disclosure Act, and the expenditure is specifically appropriated and ordered by a vote of three-fourths (3/4) of all the members elected to the Council. No contract may be divided for the purpose of evading the requirements of this section. Violation of the provisions of this section shall void the obligation of such contract on the part of the City, and shall constitute a misdemeanor.

- a. **Requirements for Formal Contract Procedure and Public Notice.** Any formal written contract for supplies, equipment, commodities, or services (excluding equipment and parts for Electrical Generating Units) that exceeds thirty thousand dollars (\$30,000), must be approved by the City Council after having been advertised publicly for a period no less than 21 days prior to the date of approval by the council. Notice shall be published in at least one official newspaper in the city, as well as the City of Fremont Website, and shall contain a brief description of the project, location where bid materials may be obtained, and the date and time of public bid opening. Contracts for equipment and parts for Electrical Generating units that exceed One Hundred Twenty Thousand Dollars (\$120,000) shall have the same requirements as above. Only for purchase by the Department of Utilities, the City Administrator or his/her designee may waive these limits if an emergency is declared. Any such declaration shall be recommended by the Utility and Infrastructure Board at its next regularly scheduled meeting, be made part of the minutes of said meeting, and forwarded to the City Council for affirmation. The City Administrator or his/her designee may purchase fuel on the spot market after

receiving comparable quotations in excess of these limits without recommendation from the Utility and Infrastructure Board and approval of the City Council.

- b. Requests for Quotes.** The purchase of any supplies, equipment, commodities, or services totaling less than \$30,000 (\$120,000 for equipment and parts for Electrical Generating units) and more than One Thousand Dollars (\$1,000) shall require solicitation of quotes from no less than three (3) different sources. Quotes shall be documented and provided to Finance Department prior to any signed contract or purchase of supplies, equipment, commodities, or services. "Sole source" or other types of purchases where there are not three (3) qualified quote sources may be used, but documentation must be provided prior to purchase to support any "sole source" purchase.

Quotes for purchases below \$1,000 are not required, but should be obtained if possible in order to provide the lowest cost to the City.

- c. Requests for Proposals.** Requests for Proposals may be used where criteria other than "lowest responsible bidder" could impact the overall cost of the contract, or when required by any State or Federal Agency/Revenue source. Criteria used in the RFP process must be identified and included with the Request for Proposal. Any RFP contract exceeding \$30,000 must be approved by the City Council.

- d. Interlocal Cooperation Act of Joint Public Agency Act.** The purchase of supplies and equipment, exceeding \$50,000, may be made through a Vendor where the acquisition cost of the item being purchased has been established through a public bidding process conducted under the Interlocal Cooperation Act or a Joint Public Agency Act (Nebraska State Administrative Services Material Division), and where the cost of obtaining the supplies or equipment does not result in any additional fees from any vendor, or require an exclusive purchasing agreement that would prevent the purchase of that item or any other item through the processes described in Sections I, II and III.

All actions of the Board shall be under the authority and direction of the Mayor and City Council, and shall be subject to the review and supervision of the City Council. The Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. No member of the City Council shall serve as a member of the Board while serving a term of office as a member of the City Council. No member of the Board shall serve in the capacity of both the Chairperson and Secretary of the Board.

(Amended by Ord. No. 5413, 8/29/2017)

§2-517 Bonds of Employees.

The Board in its discretion may require bond of any employee. The premiums on such bonds shall be paid from the various funds of the public utilities.

§2-518 Duties as to Rates.

The Board shall make recommendations to the Mayor and City Council to apply the rates as fixed by ordinance for the use of the services and facilities of the various public utilities. It shall be the duty of the Board to collect all receivables on

account of such public utilities and to account for, taking receipt and filing the same with the Finance Director; make a detailed report to the City once each month of the condition of the Utility, showing the receipts and expenditures thereof for the preceding month; and make such other reports as may be required by the City Council.

§2-519 Disbursement of Funds; Investment of Surplus Funds.

All orders for the disbursement of funds shall be recommended by the Board and approved by the City Council. Disbursements shall be recorded in accordance with State law and City policy. Disbursement shall be made by check or wire transfer signed by either the City Administrator or their authorized assistant and countersigned by the Finance Director or his authorized agent.

The Board may recommend that any surplus funds or customers' deposits remaining in the hands of the City Treasurer to the credit of the Utility may be invested by the City Administrator, in interest bearing securities of the State, or any public subdivision thereof, or any interest-bearing securities of the United States. The Board may also recommend that the City Administrator direct the City Treasurer to invest such funds in any other and different securities in such manner and use such funds for any purpose not contrary to law, upon an order for that purpose. Such securities may be purchased, sold or hypothecated by the City Administrator, at the fair market value thereof, and the interest earned by such securities shall be credited

The Board may recommend that the City Administrator direct the City Treasurer to invest such surplus funds or customers' deposits on a short term basis.

Article 6. Penal Provision

§2-601 Violation, Penalty.

Any person who violates any of the prohibitions or provisions of any Article or section of this Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular Article or section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment for any length of time not to exceed three (3) months, in the discretion of the court.