

CHAPTER 1 – CIVIL ADMINISTRATION

ARTICLE 1 – VILLAGE ADMINISTRATION

- 1-101 CORPORATE EXISTENCE**
- 1-102 CORPORATE SEAL**
- 1-103 OFFICERS; BONDS; BLANKET BOND**
- 1-104 VILLAGE OFFICIALS; OATH OF OFFICE**
- 1-105 ELECTIVE OFFICIALS; COMPENSATION**
- 1-106 ELECTIVE OFFICIALS; CONFLICT OF INTEREST**

ARTICLE 2 – VILLAGE BOARD

- 1-201 PUBLIC BODY DEFINED**
- 1-202 VILLAGE BOARD; POWERS AND DUTIES**
- 1-203 VILLAGE BOARD; NUMBER AND QUALIFICATIONS**
- 1-204 VILLAGE BOARD; CHANGE IN OFFICE**
- 1-205 VILLAGE BOARD; REORGANIZATIONAL MEETING**
- 1-206 VILLAGE BOARD; VACANCIES**
- 1-207 VILLAGE BOARD CHAIRMAN; DUTIES**
- 1-208 VILLAGE BOARD; STANDING COMMITTEES**
- 1-209 MEETINGS DEFINED**
- 1-210 MEETINGS; RIGHTS OF PUBLIC**
- 1-211 MEETINGS; NOTICE TO NEWS MEDIA**
- 1-212 MEETINGS; NOTICE, AGENDA**
- 1-213 MEETINGS; TIME AND PLACE**
- 1-214 MEETINGS; QUORUM**
- 1-215 MEETINGS; ORDER OF BUSINESS**
- 1-216 MEETINGS; PARLIAMENTARY PROCEDURE**
- 1-217 MEETINGS; MINUTES**
- 1-218 MEETINGS; VOTES**
- 1-219 MEETINGS; CLOSED SESSIONS**
- 1-220 MEETINGS; SPECIAL**
- 1-221 MEETINGS; EMERGENCY**

ARTICLE 3 – ORDINANCES, RESOLUTIONS AND MOTIONS

- 1-301 GRANT OF POWER**
- 1-302 STYLE**
- 1-303 TITLE**
- 1-304 INTRODUCTION**
- 1-305 RESOLUTIONS AND MOTIONS**
- 1-306 PASSAGE**
- 1-307 PUBLICATION OR POSTING**
- 1-308 CERTIFICATE OF PUBLICATION**
- 1-309 AMENDMENTS AND REVISIONS**

1-310 EMERGENCY ORDINANCES

ARTICLE 4 – APPOINTIVE OFFICERS

- 1-401 APPOINTMENT; BOND**
- 1-402 MERGER OF OFFICES**
- 1-403 CLERK-TREASURER POSITION CREATED**
- 1-404 VILLAGE CLERK**
- 1-405 VILLAGE TREASURER**
- 1-406 TREASURER’S MONTHLY REPORT**
- 1-407 TREASURER’S ANNUAL REPORT**
- 1-408 VILLAGE ATTORNEY**
- 1-409 SPECIAL ENGINEER**
- 1-410 WATER AND SEWER COMMISSIONER**
- 1-411 STREET COMMISSIONER**
- 1-412 BUILDING INSPECTOR**
- 1-413 VILLAGE POLICE**

ARTICLE 5 – FISCAL MANAGEMENT

- 1-501 FISCAL YEAR**
- 1-502 PUBLIC FUNDS DEFINED**
- 1-503 DEPOSIT OF FUNDS**
- 1-504 INVESTMENT OF FUNDS**
- 1-505 AUTHORITY TO CONTRACT WITH COLLECTION AGENCY**
- 1-506 CLAIMS**
- 1-507 EXPENDITURES**
- 1-508 BOND ISSUES**
- 1-509 SINKING FUNDS**
- 1-510 TRANSFER OF FUNDS**
- 1-511 SPECIAL ASSESSMENT FUND**
- 1-512 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE**
- 1-513 CONTRACTS AND PURCHASES**
- 1-514 ANNUAL AUDIT**
- 1-515 APPROPRIATIONS**
- 1-516 BUDGET MANUAL; INCORPORATED BY REFERENCE**
- 1-517 BUDGET STATEMENT**
- 1-518 BUDGET HEARING**
- 1-519 BUDGET FILING**
- 1-520 ALL-PURPOSE LEVY**
- 1-521 INADEQUATE VALUATION**
- 1-522 ALL-PURPOSE LEVY; ALLOCATION**
- 1-523 ABANDONMENT OF ALL-PURPOSE LEVY**
- 1-524 EXTRAORDINARY LEVY**
- 1-525 GENERAL PROPERTY TAX**

ARTICLE 6 – ELECTIONS

- 1-601 ELECTIONS GENERALLY**
- 1-602 BOARD OF TRUSTEES**
- 1-603 CANDIDATE QUALIFICATIONS**
- 1-604 FILING FEE**
- 1-605 CERTIFICATION TO COUNTY CLERK**
- 1-606 JOINT, GENERAL; NOTICE**
- 1-607 BALLOTS**
- 1-608 APPOINTMENT OF ELECTION OFFICIALS**
- 1-609 OATH OF ELECTION OFFICIALS**
- 1-610 VOTER QUALIFICATIONS**
- 1-611 EXIT POLLS**
- 1-612 CAUCUS CANDIDATES**
- 1-613 PETITION CANDIDATES**
- 1-614 SPECIAL JOINT ELECTIONS**
- 1-615 TIE VOTES**
- 1-616 CERTIFICATE OF NOMINATION OR ELECTION**
- 1-617 INABILITY TO ASSUME OFFICE**
- 1-618 RECALL PROCEDURE**

ARTICLE 7 – PENAL PROVISION

- 1-701 VIOLATION; PENALTY**

CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – Village Administration

SECTION 1-101: CORPORATE EXISTENCE

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

SECTION 1-102: CORPORATE SEAL

The Village of Page, in the office of the village clerk, shall own a common seal of the corporation, having engraved thereon the words "Village of Page, Holt County, Nebraska, Seal." The village clerk shall affix an impression of said seal on all papers or documents executed in his/her official capacity. (Neb. Rev. Stat. §17-502)

SECTION 1-103: OFFICERS; BONDS; BLANKET BOND

1. Official bonds of the Village shall be in form, jointly and severally, and shall be made payable to the Village in such penalty as the Board of Trustees may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the village officials shall be executed by each principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county, or by the official as principal, and by a guaranty, surety, fidelity or bonding company, provided, no village official still in his/her official term of office shall be accepted as surety on any other official's bond, contractor's bond, license bond or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Village.

2. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the Village and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until approved by the Board of Trustees and all sureties are endorsed in writing on the said instrument by the village clerk. The premium on any official bond required to be given may be paid out of the General Fund or other proper village fund upon a resolution to that effect by the Village Board at the beginning of any village year.

3. All surety and other bonds required by village ordinances or by Nebraska law for village officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The Village may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the Village Board requiring such bond or

undertaking and on such terms and conditions as may be required. (Neb. Rev. Stat. §10-201 through 10-411, 10-606 through 10-612, 11-404, 12-1001, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)

4. All official bonds meeting the conditions herein shall be filed with the village clerk for the official records. Upon the payment of a fee which shall be set by resolution of the Village Board, it shall be the duty of the village clerk to furnish a certified copy of any bond so filed.

5. In the event that sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board members, they may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that such officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Village Board, then the office shall, by such failure, refusal or neglect become vacant; and it shall be the duty of the Board to appoint a competent and qualified person to fill such office. Any official who is re-elected to office shall be required to file a new bond after each election.

(Neb. Rev. Stat. §11-103 through 11-118, 17-604)

SECTION 1-104: VILLAGE OFFICIALS; OATH OF OFFICE

All officials of the Village, whether elected or appointed, except when a different oath is specifically provided herein, 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 will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation, and not 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 this State by force or violence. So help me God."

(Neb. Rev. Stat. §11-101)

SECTION 1-105: ELECTIVE OFFICIALS; COMPENSATION

The compensation of any elective official of the Village shall not be increased or diminished during the term for which he/she shall have been elected except when

there has been a merger of offices, provided, the compensation of the members of the Village Board, a board or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he/she resigns and desires to be rehired during the unexpired term of office. Such official may be rehired after the term of office during which he/she resigned at a greater salary. All salaries shall be set by ordinance of the Village Board and will be available for public inspection at the village office. (Neb. Rev. Stat. §17-209.02, 17-612)

SECTION 1-106: ELECTIVE OFFICIALS; CONFLICT OF INTEREST

1. For purposes of this section, "officer" shall mean

- A. Any member of any board or commission of the Village,
- B. Any appointed official if such village official serves on a board or commission which spends and administers its own funds and is dealing with a contract made by such Board or commission, or
- C. Any elected village official.

2. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

3. No officer of the Village shall be permitted to benefit from any contract to which the Village is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the Village or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Village has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child (A) has an ownership interest of 5% or more in any business involved in the contract or (B) will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a pecuniary fee such officer shall not be deemed to have an interest within the meaning of this section.

4. The provisions of this section shall not apply if the interested officer:

- A. Makes a declaration on the record to the Village Board responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;

- B. Does not vote on the matter of granting the contract, except that if the number of members of the Board declaring an interest in the contract would prevent the Board, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
- C. Does not act for the Village as to inspection or performance under the contract in which he or she has an interest.

5. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of the Village by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections A thru C above, if an officer's parent, spouse or child is an employee of the Village, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he or she hires his/her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections (6)(A) thru (E) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Village.

6. The village clerk shall maintain, separately from other records, a ledger containing the information listed in subsections (A) thru (E) of this section about every contract entered into by the Village in which an officer has an interest as specified above for which disclosure is made as provided in subsections (4)(A) thru (C) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:

- A. Names of the contracting parties;
- B. Nature of the interest of the officer in question;
- C. Date that the contract was approved by the Village;
- D. Amount of the contract; and
- E. Basic terms of the contract.

7. The information supplied relative to the contract shall be provided to the clerk not later than 10 days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal office hours.

8. An open account established for the benefit of the Village or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to

this section shall be filed within 10 days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this Section.

9. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §18-301.01 thru 18-301.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates such sections shall be guilty of a Class V misdemeanor.

10. The Village may enact ordinances exempting from the provisions of this section, contracts involving \$100.00 dollars or less in which an officer of the Village may have an interest.

11. No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Village other than his/her salary. The Village Board shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty, which shall come within the proper scope of the duties of any officer of the Village.
(Neb. Rev. Stat. §17-611, 18-301.01 thru 18-301.03, 18-305 thru 18-312, 70-624.04)

Article 2 – Village Board

SECTION 1-201: PUBLIC BODY DEFINED

1. “Public body” as used in this article shall mean:

- A. The Village Board of the Village,
- B. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
- C. Advisory committees of the bodies listed above.

2. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body.

(Neb. Rev. Stat. §84-1409(1))

SECTION 1-202: VILLAGE BOARD; POWERS AND DUTIES

The Village Board of Trustees shall have all powers granted under state laws, including but not limited to the following:

- 1. To pass ordinances to prevent and remove nuisances;
- 2. To prevent, restrain and suppress gambling and disorderly houses;
- 3. To license and regulate amusements;
- 4. To establish and provide for police protection;
- 5. To prevent the spread of contagious diseases;
- 6. To regulate business;
- 7. To erect, repair, construct and regulate public ways and property;
- 8. To maintain good government, public welfare and domestic tranquility;
- 9. To enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding that amount permitted by Nebraska law for violation of a municipal code for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-203: VILLAGE BOARD; NUMBER AND QUALIFICATIONS

The Village Board of Trustees shall consist of five members who shall be citizens of the United States, residents of the Village and registered voters. The election of the Board of Trustees shall be held on the date of the statewide general election. Every trustee so elected and so qualified shall hold his/her office for a term of four years; provided, a trustee's term shall expire and the office will become vacant upon moving from the Village. The members of the Board shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska and faithfully and impartially to discharge the

duties of their office. (Neb. Rev. Stat. §17-202)

SECTION 1-204: VILLAGE BOARD; CHANGE IN OFFICE

The chairman and Board of Trustees shall meet at the regular meeting of the Board in December in each election year, and the outgoing officers and outgoing members shall present their reports. After the outgoing trustees have completed their business, they shall surrender their offices to the incoming trustees. The outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers, and moneys belonging to the same. (Neb. Rev. Stat. §17-204)

SECTION 1-205: VILLAGE BOARD; REORGANIZATIONAL MEETING

1. The newly elected Village Board members shall convene at the village office at the first regular meeting in December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Village to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Board shall then elect one of its own body who shall be styled as chairman, and he/she shall then nominate his/her candidates for appointive offices. Said officers shall hold office until their successors are duly appointed and qualified. The chairman shall then proceed with the regular order of business.

2. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office to qualify prior to the first regular meeting in December following his/her election. Immediately upon the assembly of the newly elected Board at the first regular meeting in December following the election, each officer elected at the regular village election shall take possession of his/her office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the village clerk within two weeks from the date of his/her said appointment, provided, on said bond shall be endorsed the same oath as required of a village trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this section shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed.

SECTION 1-206: VILLAGE BOARD; VACANCIES

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

2. Except as otherwise provided in subsection (4) or (5) of this section, vacancies in village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death

of the incumbent, shall be in writing and presented to the Board at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Board shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or by posting in three public places in the Village the office vacated and the length of the unexpired term.

3. The chairman of the Board shall, within four weeks after the meeting at which such notice of vacancy has been presented or upon the death of the incumbent, call a special meeting of the Board or place the issue of filling such vacancy on the agenda at the next regular meeting at which time the chairman shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The Board shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the chairman shall, at the next regular or special meeting, submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the chairman shall continue at such meeting to submit the names of qualified registered voters in nomination and the Board shall continue to vote upon such nominations until the vacancy is filled. All Trustees present shall cast a ballot for or against the nominee. Any member of the Board who has been appointed to fill a vacancy shall have the same rights, including voting, as if such person were elected.

4. The chairman and Board of Trustees may, in lieu of filling a vacancy in a village elected office as provided in subsections (2) and (3) of this section, call a special election to fill such vacancy.

5. If vacancies exist in the offices of a majority of the members of the Board of Trustees, the secretary of state shall conduct a special election to fill such vacancies.

6. No official who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his/her removal or the removal of any other member of the same Village Board during the remainder of his/her term of office.

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

SECTION 1-207: VILLAGE BOARD CHAIRMAN; DUTIES

1. At its first meeting in December of each election year, the Village Board shall select one of its own body who shall be the chairman of said board and whose term shall be two years, until the next general election. The chairman shall preside over all meetings of the Board of Trustees. The Board shall also elect a vice-chairman, who shall preside at all meetings at which the chairman is not present.

2. The village chairman shall have charge over all property belonging to the Village which is not in particular charge of any officer. He/she shall require all village officers and employees to give him/her a receipt for any and all articles belonging to the Village now in their charge and all that may thereafter come under their charge.

All outgoing village officers and village employees shall deliver over to the chairman or account to him/her for all articles used by them in the duties of their office whenever their term of office or employment with the Village ceases.

3. The village chairman shall also:

- A. Examine each and every appropriation ordinance and satisfy himself/herself as to the correctness of the same before giving approval.
- B. Along with the Board of Trustees, audit all financial reports of the village treasurer. If found to be correct, they shall be endorsed and shall be filed in the office of the village clerk.
- C. Sign the clerk's minutes of all meetings after they have been spread at large upon the journal when the same shall be approved by the action or the acquiescence of the Board.
- D. Sign all warrants for the payment of money when ordered by the Board.
- E. Sign all ordinances, resolutions and orders which have been passed, approved and declared to be the law of the Village.
- F. Cause the ordinances of the Village to be carried into effect.
- G. Promote the peace and welfare of the Village.
- H. Require all officers to be faithful in the performance of their duties as prescribed by law and the village ordinances for the peace and order of the Village.
- I. Call special meetings of the Board of Trustees at his/her discretion or as provided by the provisions of this code.
- J. Be chairman of the Board of Health, ex officio.
- K. Act as the purchasing agent for the Village at the specific direction of the Board of Trustees.

SECTION 1-208: VILLAGE BOARD; STANDING COMMITTEES

At the organizational meeting of the Village Board, the chairman shall appoint members of such standing committees as the Board may create by ordinance or resolution. The membership of such committees may be changed at any time by the chairman, who shall be an ex officio member of each standing committee. The members of the committees shall serve a term of office of one year unless reappointed. The following standing committees shall be appointed or reappointed each year until changed by the Village Board: Streets, Parks and Recreation, Water and Sewer.

SECTION 1-209: MEETINGS DEFINED

“Meetings” shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Neb. Rev. Stat. 84-1409(2))

SECTION 1-210: MEETINGS; RIGHTS OF PUBLIC

1. Subject to the Open Meetings Act, the public has the right to attend and the

right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to Section 1-219 herein may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

2. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

3. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

4. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

5. No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

6. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

7. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

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

(Neb. Rev. Stat. §84-1408, 84-1412)

SECTION 1-211: MEETINGS; NOTICE TO NEWS MEDIA

The village clerk, secretary or other designee of the Board shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Neb. Rev. Stat. §84-1411)

SECTION 1-212: MEETINGS; NOTICE, AGENDA

The Village Board shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the Board and recorded in its minutes. Such notice shall be transmitted to all members of the Board and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, kept continually current, shall be readily available for public inspection at the village office during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the Village Board scheduled outside the corporate limits of the Village. The Board shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. (Neb. Rev. Stat. §84-1411)

SECTION 1-213: MEETINGS; PLACE, DAY AND TIME

The meetings of the Village Board shall be held at the village office or other location set by the Board by resolution. Regular meetings shall be held on the second Tuesday of each month at the hour of 7:00 P.M. A special meeting may be called by the chairman or by a majority of the Village Board for those purposes which shall be submitted in writing to the board members prior to said meeting. The call and object of said special meeting shall be entered upon the journal by the village clerk, as well as the disposition of said meeting.

SECTION 1-214: MEETINGS; QUORUM

A majority of the members of the Village Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided that on the request of any two members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the village clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Village Board shall be called to order by the chairman. The vice-chairman shall preside in the event that the chairman is not present. The Board of Trustees shall go into an executive session only upon a motion duly made, seconded and passed by a majority of the board members in open session. (Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-215: MEETINGS; ORDER OF BUSINESS

All meetings of the Village Board shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, the chairman, the village clerk and such other village officials as may be required shall take their regular stations in the village hall and the business of the Village shall be taken up for consideration and disposition.

SECTION 1-216: MEETINGS; PARLIAMENTARY PROCEDURE

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

2. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the village clerk, or any member of the Village Board. Every member of the Board who is present when a question is voted upon shall cast his/her vote unless excused by a majority of the Board present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Village Board making the motion, or resolution shall be entered also. After each vote, the "yeas" and "nays" shall be taken, and entered in the minutes upon the request of any member of the Board. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the board member seconding the said resolution, motion, or ordinance.

3. When, in the consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question.

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

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

SECTION 1-217: MEETINGS; MINUTES

1. The Village Board shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal

business hours.

2. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Village Board in open session, and the record shall state how each member voted or if the member was absent or not voting. The vote to elect leadership within the Village Board may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

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

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

SECTION 1-218: MEETINGS; VOTES

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Village Board in open session, and the record shall state how each member voted or whether the member was absent or not voting. The vote to elect leadership within the Board may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (Neb. Rev. Stat. §17-616, 84-1413)

SECTION 1-219: MEETINGS; CLOSED SESSIONS

1. The Board may hold a closed session by an affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

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

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the chairman shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Board shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

4. Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority of the members of the Board. Such challenge and its disposition shall be recorded in the minutes.

(Neb. Rev. Stat. §84-1410)

SECTION 1-220: MEETINGS; SPECIAL

1. Special meetings may be called by the chairman or by three members of the Board of Trustees, the object of which shall be submitted to the Board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the village clerk. On filing the call for a special meeting, the clerk shall notify the members of the Board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Board known to be out of the state or physically unable to be present. A majority of the board members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day to day to compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

2. At the hour appointed for the meeting, the clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Board shall be called to order by the chairman, if present, or if absent, by the president of the Board. In the absence of both the chairman and the president of the Board, the members of the Board of Trustees shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 3 (Ordinances, Resolutions and Motions) herein.

(Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-221: MEETINGS; EMERGENCY

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency, provided reasonable efforts are made by the village clerk to give advance notice of time and place of such meeting to news media requesting notification of meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meetings shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §84-1411)

Article 3 – Ordinances, Resolutions and Motions

SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the State of Nebraska as may be necessary and proper for maintaining the peace, good government and welfare of the Village and its trade, commerce and security. (Neb. Rev. Stat. §17-505)

SECTION 1-302: STYLE

The style of all village ordinances shall be: "Be it ordained by the Chairman and Board of Trustees of the Village of Page, Nebraska:" (Neb. Rev. Stat. §17-613)

SECTION 1-303: TITLE

No ordinance shall contain a subject not clearly expressed in its title. (Neb. Rev. Stat. §17-614)

SECTION 1-304: INTRODUCTION

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

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

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

SECTION 1-305: RESOLUTIONS AND MOTIONS

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the Board. The issues raised by said resolutions or motions shall be disposed of in accordance with parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

SECTION 1-306: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of a majority of the Board. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days. In the event that 3/4 of the members of the Board vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage. (Neb. Rev. Stat. §17-614)

SECTION 1-307: PUBLICATION OR POSTING

All ordinances of a general nature shall be published one time within 15 days after passage in a newspaper published in the Village, but if no paper is published in the Village, then by posting a written or printed copy thereof in each of three public places in the Village, or by publishing the same in book or pamphlet form. (Neb. Rev. Stat. §17-613)

SECTION 1-308: CERTIFICATE OF PUBLICATION

The passage, approval, and publication or posting of all ordinances shall be sufficiently proved by a certificate under seal of the Village from the clerk thereof, showing that such ordinance was passed and approved, and when and in what paper the same was published, or when and by whom and where the same was posted. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the Village Board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof. (Neb. Rev. Stat. §17-613)

SECTION 1-309: AMENDMENTS AND REVISIONS

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

SECTION 1-310: EMERGENCY ORDINANCES

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

Article 4 – Appointive Officers

SECTION 1-401: APPOINTMENT; BOND

The Village Board of Trustees may appoint a village clerk, village treasurer, village attorney, village police officer, water commissioner and street commissioner. The Village Board may enact resolutions to require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duties (see Section 1-103 herein). The Board shall also appoint such additional officials and employees as the trustees may determine are needed by the Village. All such appointees shall hold office for one year, unless sooner removed by the chairman of the Board by and with the advice and consent of the Village Board. If the Village has a water commissioner, he/she may at any time, for sufficient cause, be removed from office by a two-thirds vote of the Board of Trustees.

SECTION 1-402: MERGER OF OFFICES

The Board of Trustees may, in 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 trustee, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the officer or employee at the same time; except that trustees may perform and, upon Board approval, receive compensation for seasonal or emergency work subject to Neb. Rev. Stat. §49-14,103.01 to 49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined office or employment or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of each of the offices and/or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-209.02, 49-14,103.01 through 49-14,103.06)

SECTION 1-403: CLERK-TREASURER POSITION CREATED

The appointive offices of municipal clerk and municipal treasurer are hereby combined and merged in accordance with the authority granted to the Village Board by Section 1-402. The offices so merged and combined shall always be construed to be separate, and the effect of the combination, or merger, shall be limited to a consolidation of official duties only. The salary of the person holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

SECTION 1-404: VILLAGE CLERK

The village clerk shall:

1. Attend all meetings of the Board of Trustees and keep a correct journal of the proceedings of the Board.

2. Keep and preserve the proceedings of the Board of Trustees in two separate and distinct record books. The minute records shall contain a record of all the miscellaneous and informal doings of the Board. The minute record shall not include the passage and approval of ordinances except resolutions incorporating the ordinance record by reference into the minute record. The ordinance record shall contain the formal proceedings of the Board in the matter of passing, approving, publishing, posting and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the village clerk shall record and spread at large in the ordinance record his/her ordinance minutes. In all cases hereafter where single ordinances are introduced for the consideration of the Board of Trustees, the village clerk shall cause to be introduced an appropriate resolution incorporating the ordinance record by reference into the minute record. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, and the clerk shall have an additional ten working days if absent due to a serious illness or emergency.

3. Within 30 days after any meeting of the Board of Trustees, prepare and publish the official proceedings of the Village Board in a legal newspaper of general circulation in the Village and which was duly designated as such by the Board, provided, the charge for such publication shall not exceed the rates provided by state statutes. Said publication costs shall be charged against the General Fund. Such official proceedings shall include the amount of each claim allowed, the purpose of the claim and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

4. Keep a record of all outstanding bonds against the Village. When any bonds are sold, purchased, paid or canceled, said record shall show the fact; file all official bonds after the same shall have been properly executed and approved; make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Board of Trustees.

5. Issue and sign all licenses, permits and occupation tax receipts authorized by law and required by the village ordinances; keep a register of all licenses granted and the purpose for which they have been issued.

6. Collect all occupation taxes and license money except where some other village officer is specifically charged with that duty.

7. Include as part of the records all petitions under which the Board of Trustees shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same.

8. Endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings shall be properly docketed. Included in the records shall be all standard codes, amendments thereto, and other documents incorporated by reference.

9. Maintain a list of the news media requesting notification of meetings and make reasonable efforts to provide advance notice to them of the time and place of each meeting and the subjects to be discussed at that meeting.

10. Keep an accurate and complete account of the appropriation of the several funds and draw, sign and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he/she shall then make a report of the amounts appropriated to the various funds and the amounts of the warrants drawn thereon.

11. Obtain the signature of the chairman of the Board of Trustees on all warrants, ordinances and resolutions under his/her charge.

12. With the seal of the Village, duly attest the chairman's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the Board of Trustees.

13. Between July 15 and August 15 each year, publish the employee job titles and the current annual, monthly or hourly salaries corresponding to such job titles. Any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January and April shall be published during the months of November, April and May. (Neb. Rev. Stat. §19-1102)

14. At the end of the fiscal year, make a report of the Village's business transacted through his/her office for the year. Such record shall describe particularly the bonds issued and sold during the year and the terms of the sales with each and every item and expense thereof.

15. Keep, in a book with a proper index, copies of all notices required to be published or posted by order of the Board of Trustees or under the ordinances of the Village. To each of the file copies of said notices shall be attached the printer's affidavit of publication, whether the said notices are required to be published, or the village clerk's certificate under seal where the same are required to be posted only.

16. Permit no records, public papers or other documents of the Village kept and preserved in his/her office to be taken therefrom except by such village officers as may be entitled to the use of the same, but only upon their signing a receipt therefor. Nothing herein shall be construed to prevent any citizen, official or other person from examining any public records during normal office hours. The village clerk may charge a reasonable fee for certified copies of any record in his/her office as set by resolution of the Board of Trustees. He/she shall care for the village records under

the direction of the State Records Board pursuant to Neb. Rev. Stat. §84-1201 through 84-1220; provided, the Board of Trustees shall not have the authority to destroy the minutes of the village clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board. (Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-405: VILLAGE TREASURER

The village treasurer shall:

1. Deposit and at all times keep on deposit for safekeeping in banks, institutions of approved and responsible standing, all money collected, received or held as treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the Village for the receiving and holding thereof. A bond or pledged securities shall be required from all banks or financial institutions in which municipal funds are deposited in any amount exceeding that amount insured by the Federal Deposit Insurance Corporation.

2. Keep a separate account of each and every fund or appropriation and the debits and credits therein.

3. Give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid, and also file copies of said receipts with the monthly reports made to the chairman and Village Board.

4. At the end of each month and as often as may be required, render a report to the chairman and Board showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her. Such warrants with any and all vouchers held shall be filed with the accounts in the village office. If the village treasurer neglects or fails to render his/her account within ten days from the end of each and every month, the office shall be declared vacant pursuant to Neb. Rev. Stat. §17-606 and the chairman and Board of Trustees shall fill the vacancy by appointment until the next election of village officials.

5. Publish or cause to be published in a legal weekly newspaper published in or of general circulation in said village within 60 days following the end of the fiscal year a report of the activities of his/her office, showing in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the Village.

(Neb. Rev. Stat. §17-606 through 17-609, 19-1101, and 84-712)

SECTION 1-406: TREASURER'S MONTHLY REPORT

The village treasurer shall, at the end of each and every month and such other times as the Village Board may deem necessary, render an account to the Board under oath showing the financial state of the Village at that date, the amount of money re-

maining in each fund, the amount paid therefrom and the balance of money remaining in the treasury. The said account shall be accompanied with a statement of all receipts and disbursements, together with all warrants redeemed and paid. The treasurer shall also produce depository evidence that all municipal money is in a solvent and going bank in the name of the Village. If the treasurer shall neglect or fail for the space of ten days from the end of each and every month to render his/her accounts as aforesaid, the Village Board shall, by resolution, declare the office vacant and appoint another person to fill the vacancy. The village treasurer shall be present at each regular meeting of the Village Board, at which time he/she shall read and file a monthly report. (Neb. Rev. Stat. §17-606)

SECTION 1-407: TREASURER'S ANNUAL REPORT

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

SECTION 1-408: VILLAGE ATTORNEY

The village attorney is the Village's legal advisor, and the Board of Trustees shall have the right to compensate him/her for legal services on such terms as he/she and the Board may agree upon, and to employ any additional legal assistance as may be necessary. The village attorney shall:

1. Commence, prosecute and defend all suits on behalf of the Village.
 2. When requested by the Board of Trustees, attend meetings of the Board and advise any village official in all matters of law in which the interests of the Village may be involved.
 3. Draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Village.
 4. Examine all bonds, contracts and documents on which the Board of Trustees will be required to act.
 5. Prepare complaints, attend and prosecute violations of the village ordinances and appear and prosecute all cases for violation of the village ordinances that have been appealed to and are pending in any higher court.
 6. Examine the ordinance records when requested to do so by the Board; advise and assist the village clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that each will be valid insofar as its passage and approval are concerned.
- (Neb. Rev. Stat. §17-610)

SECTION 1-409: SPECIAL ENGINEER

The Board of Trustees may employ a special engineer to make or assist the village engineer in making any estimate, survey or other work. All records of the engineer shall be public records which shall belong to the Village and shall be turned over to his/her successor. The engineer shall:

1. Make a record of the minutes of his/her surveys and all other work done for the Village.

2. When directed by the Board of Trustees, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Board.

3. Upon request of the Board of Trustees, make estimates of the costs of labor and material which may be done or furnished by contract with the Village, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the Village.

4. When directed by the Board of Trustees, inspect all works of public improvement, and if found to be properly done, accept the same and report his/her acceptance to the Board.

5. Estimate the cost of all proposed village utilities and public improvements, together with any extensions thereof which the Board of Trustees may propose to construct or improve.

(Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-410: WATER AND SEWER COMMISSIONER

The Water and Sewer Commissioner's duties over the following departments shall be as stated herein.

Water Department

The commissioner shall:

1. Have general supervision and control over the village water system and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery and appliances used in connection with producing and distributing water to inhabitants of the Village. All actions, decisions, and procedures of the said superintendent shall be subject to the general directives and control of the Village Board.

2. Have the general control and supervisory authority over all employees of the Water System.

3. Make a detailed report to the Village Board at least once every six months of the condition of the said water system, including all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he/she may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the superintendent.

4. Perform such additional duties as may be prescribed by the Village Board.
(Neb. Rev. Stat. §17-541)

Sewer Department

The commissioner shall:

1. Have the immediate control and supervision over all the employees and property that make up the village sewer system, subject to the general control and directives of the Village Board.

2. At least every six months, make a detailed report to the board members on the condition of the sewer system and direct their attention to such improvements, repairs, extensions, additions, and additional employees as he/she may believe are needed, along with an estimate of the cost thereof.

3. Issue permits for all connections to the village sewer system and inspect and supervise all repairs made to the said system.

4. Have such other duties as the Village Board may delegate.
(Neb. Rev. Stat. §17-505, 17-541, 17-543)

SECTION 1-411: STREET COMMISSIONER

The village street commissioner shall:

1. Have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Village, subject to the orders and directives of the Village Board,

2. See that gutters and drains therein function properly and that the same are kept in good repair.

3. At the request of the Village Board, make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the Village, and direct the Board's attention to such improvements, repairs, extensions, additions, and additional employees as he/she may believe are needed to maintain a satisfactory street system in the Village along with an estimate of the cost thereof.

4. Issue such permits as the Village Board may direct.

5. Perform such other duties as the Village Board may require.

(Neb. Rev. Stat. §17-214)

SECTION 1-412: BUILDING INSPECTOR

1. The village building inspector shall conduct surveys and make inspections in any area of the Village to determine whether all buildings and structures are in compliance with village ordinances. He/she shall investigate all complaints, whether verbal, written or in the form of a petition, alleging and charging that a violation of the village ordinances exists and that a building or structure is unfit or unsafe for human habitation. The building inspector is authorized, upon display of proper identification, to enter, inspect, survey and investigate any building between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists or if requested by the owner or occupant thereof. He/she shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection, and the building inspector shall prepare an annual report including statistics based on the records kept.

2. The building inspector shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he/she is the owner of a building, and he/she shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate. The building inspector shall report to the Village Board as often as may be deemed necessary. He/she shall have such other duties and issue such permits as the Board may direct. The building inspector may be removed at any time for good and sufficient cause by the Board.

SECTION 1-413: VILLAGE POLICE

In the event the Village maintains a police department, the following shall apply:

1. Every village police officer shall be expected to be conversant and knowledgeable with the village and state laws. Village police officers shall have the duty to file such complaints and reports as may be required by the village ordinances and state laws. Any village police officer who shall willfully fail, neglect, or refuse to make an arrest or who purposely and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor and upon conviction shall be fined. It shall be unlawful for the Village Board to retain any village police officer in that position after he shall have been duly convicted of the willful violation of any federal or state law or any ordinance of the Village, except minor traffic violations. No law enforcement official shall have any interest in any establishment having a liquor license.

2. Village police officers, whether regular or special, shall have the power to arrest all offenders against the laws of the State or the Village, by day or by night,

and keep the said offenders in the village jail or some other place to prevent their escape until trial can be held before the proper official of the State or the Village. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect, or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine.

3. It shall be the duty of every village police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release.

4. Suitable uniforms and badges shall be furnished to the village police officers by the Village. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he shall immediately deliver his badge to the police chief. The Village Board may from time to time provide the village police with such equipment and transportation as may be essential in the performance of their official duties.
(Ref. 17-213, RS Neb.)

5. Village police officers shall have general control over motor vehicle traffic. Said officer, together with such special officers detailed to assist as traffic officers by the chairman and Board of Trustees, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the village police or of any special traffic officer.

6. Village police officers shall perform such other duties as may be required by resolution or by order of the chairman and Board of Trustees.
(Neb. Rev. Stat. §17-213)

Article 5 – Fiscal Management

SECTION 1-501: FISCAL YEAR

The fiscal year of the Village shall commence on October 1 and extend through the following September 30. (Neb. Rev. Stat. §17-701)

SECTION 1-502: PUBLIC FUNDS DEFINED

“Public funds” shall mean all money, including non-tax money used in the operation and functions of governing bodies. For purposes of a village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503)

SECTION 1-503: DEPOSIT OF FUNDS

The Village Board, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the village treasurer shall at all times keep all money held by him/her; provided, if more than one bank in the Village meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the village treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-504: INVESTMENT OF FUNDS

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

SECTION 1-505: AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

1. The Village may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the Village.

2. No debt owed pursuant to subsection (1) of this section may be assigned to a collection agency unless there has been an attempt to advise the debtor, by first-class mail, postage prepaid, at his/her last known address, of the existence of the

debt and that the debt may be assigned to a collection agency for collection if the debt is not paid and at least 30 days have elapsed from the time the notice was sent.

3. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

4. For purposes of this section, "debt" shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. Rev. Stat. §45-623)

SECTION 1-506: CLAIMS

All claims against the Village shall be presented to the Village Board in writing, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board to be audited, nor upon claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn; provided that in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-507: EXPENDITURES

No village official shall have the power to appropriate, issue or draw any order or warrant on the village treasury for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to state law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law. (Neb. Rev. Stat. §17-708)

SECTION 1-508: BOND ISSUES

After meeting all the requirements of state law, the Village Board may issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The Board shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §10-201 thru 10-411, 10-601)

thru 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 thru 18-1805, 23-343.13, 39-836)

SECTION 1-509: SINKING FUNDS

1. The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of taxes which may be annually levied for the purposes of the adopted budget statement of the Village for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of approved projects as authorized by state law. To initiate the said sinking fund, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village.

2. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The Village Board may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the village treasurer shall, as they accumulate, be immediately invested with the written approval of the Board in the manner provided by state law. No sinking fund so established shall be used for any purpose contrary to the purpose as it appeared on the ballot unless the Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

(Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-510: TRANSFER OF FUNDS

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

2. Notice of the place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The published notice shall set forth the time and place of the proposed

hearing, the amount of additional money required, the purpose of the required money, a statement stating the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

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

(Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-511: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made. (Neb. Rev. Stat. §17-710)

SECTION 1-512: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

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

2. If the Village elects to collect its special assessments, notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

3. A Village that elects to collect its special assessments shall:

A. File notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds; and

B. File a release of assessment upon final payment of each assessment with the register of deeds.

(Neb. Rev. Stat. §18-1216)

SECTION 1-513: CONTRACTS AND PURCHASES

1. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the Village, no contract for enlargement or general

improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, costing over \$30,000.00 shall be made unless it is first approved by the Village Board.

2. Except as provided in Neb. Rev. Stat. §18-412.01, before the Village Board makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the village engineer and submitted to the Village Board. In advertising for bids as provided in subsections (3) and (5) of this section, the Board may publish the amount of the estimate.

3. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into:

- A. For enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or
- B. For the purchase of equipment used in the construction of such enlargement or general improvements.

4. A village electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

- A. \$30,000.00 or less;
- B. \$60,000.00 or less and the Village electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00;
- C. \$90,000.00 or less and the Village electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
- D. \$100,000.00 or less and the Village electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

5. The advertisement provided for in subsection (3) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the Village and, if there is no legal newspaper published in or of general circulation in the Village, then in some newspaper of general circulation published in the county in which the Village is located, and if there is no legal newspaper of general circulation published in the county in which the Village is located, then in a newspaper, designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the Village or county, or if no newspaper has general circulation in the county, then

by posting a written or printed copy thereof in each of three public places in the Village at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the Village Board and entered of record.

6. If, after advertising for bids as provided in this section, the Village Board receives fewer than two bids on a contract or if the bids received by the Board contain a price which exceeds the estimated cost, the Board may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

7. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing Village, the Board may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

8. Any village bidding procedure may be waived by the Village Board:

- A. When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §81-145 to 81-162 or
- B. When the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

9. Notwithstanding any other provisions of law or a home rule charter, a village which has established, by an inter-local agreement with any county, a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection:

- A. "Personal property" includes, but is not limited to, supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and
- B. "Purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means.

(Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756)

SECTION 1-514: ANNUAL AUDIT

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

2. All public utilities shall be audited separately, and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual report shall be filed with the village clerk, becoming a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor.

3. The state auditor may require an audit of any village account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed.

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

SECTION 1-515: APPROPRIATIONS

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

SECTION 1-516: BUDGET MANUAL; INCORPORATED BY REFERENCE

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

SECTION 1-517: BUDGET STATEMENT

1. The Village Board shall, not later than the first day of August of each year, on forms prescribed and furnished by the Nebraska state auditor, prepare in writing and file with the village clerk a proposed budget statement containing the following:

- A. For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;
- B. For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable.
- C. For the immediately ensuing fiscal year, an estimate of revenue from all sources, other than revenue to be received from taxation, separately stated as to each such source to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items.

2. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources other than taxation shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation, as determined herein, plus the estimated revenue from sources other than taxation, and the unencumbered balances shall equal the estimated expenditures plus the required cash reserve for the ensuing year. (Neb. Rev. Stat. §23-923, 23-924)

SECTION 1-518: BUDGET HEARING

Following the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the hearing date in a newspaper of general circulation in the Village. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. (Neb. Rev. Stat. §13-506)

SECTION 1-519: BUDGET FILING

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

SECTION 1-520: ALL-PURPOSE LEVY

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

SECTION 1-521: INADEQUATE VALUATION

If the valuation of the Village has been reduced so that the maximum levy permitted by Section 1-520 herein is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Village Board of petitions signed by a majority of the registered voters of the Village requesting such action and specifying the extent to, and the period of time, not to exceed five years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Village Board. The Board shall cause such petitions to be filed with the County Board. Said petitions shall be accompanied by the certificate of the county clerk that he/she has examined the petitions and that they have been signed by a majority of the registered voters of the Village. After such filing, the Village Board may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Neb. Rev. Stat. §19-1309)

SECTION 1-522: ALL-PURPOSE LEVY; ALLOCATION

The Village Board shall allocate the amount raised by the all-purpose levy to the several departments of the Village in its annual budget and appropriation ordinance or in other legal manner as the Village Board shall deem best. (Neb. Rev. Stat. §19-1310)

SECTION 1-523: ABANDONMENT OF ALL-PURPOSE LEVY

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

SECTION 1-524: EXTRAORDINARY LEVY

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

SECTION 1-525: GENERAL PROPERTY TAX

The Village Board shall cause to be certified to the county clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Village for the requirements of the adopted budget for the ensuing year.

Article 6 – Elections

SECTION 1-601: ELECTIONS GENERALLY

1. The Village of Page shall hold its municipal elections on the date of the statewide primary election. Such election shall be held in accordance with the provisions of Neb. Rev. Stat. Chapter 32. (Ord. No. 55, 1/3/74)

2. The county clerk shall have charge of the election and shall have the authority to deputize the village clerk for village election purposes. Charges shall be paid to the county clerk as set forth in Neb. Rev. Stat. §32-4,147. (Neb. Rev. Stat. §17-203, 32-4,146, 32-4,147)

SECTION 1-602: BOARD OF TRUSTEES

Board of Trustee members shall be elected from the Village at large unless the residents of the Village have voted to elect its board members by wards. Board members shall serve for a term of four years and until their successors are elected and have qualified. If the election of board members takes place by wards, each nominee for the Board shall be a resident and qualified elector of the ward for which he/she is a candidate, and only residents of that ward may sign the candidates' nomination petitions. (Neb. Rev. Stat. §5-108, §17-203)

SECTION 1-603: CANDIDATE QUALIFICATIONS

Any person seeking elected office in the Village shall be a registered voter prior to holding such office and, in addition, shall have reached the age of majority. (Neb. Rev. Stat. §32-4,157)

SECTION 1-604: FILING FEE

Prior to the filing of any nomination papers, there shall be paid to the village treasurer a filing fee which shall amount to 1% of the annual salary for the office for which the candidate will file, provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or an office for which there is a salary of less than \$500.00 per year. No nominating papers shall be filed until the proper village treasurer's receipt, showing payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. (Neb. Rev. Stat. §32-608)

SECTION 1-605: CERTIFICATION TO COUNTY CLERK

All general and special elections shall be held in conjunction with the statewide primary or general election and shall be governed by the provisions of the Nebraska Election Act. No later than July 1 of each even-numbered year, the Village Board shall certify to the election commissioner/county clerk, on forms provided by the Nebraska secretary of state, the name of the Village, the number of officers to be

elected, the length of the terms of office, the vacancies to be filled by election and length of remaining terms, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §17-202, 32-401, 32-404, 32-532, 32-556)

SECTION 1-606: JOINT, GENERAL; NOTICE

The county clerk shall publish notice of the election in a newspaper designated by the County Board no less than 40 days prior to the primary or general election. This notice will serve the notice requirement for all village elections which are held in conjunction with the county. (Neb. Rev. Stat. §32-402.01)

SECTION 1-607: BALLOTS

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

SECTION 1-608: APPOINTMENT OF ELECTION OFFICIALS

The county clerk shall, at least 15 days prior to the state primary elections, give notice of the appointment by each political party of three judges and two clerks of election in each election unit in the Village, to be known as the Receiving Board. Each of the appointees referred to shall be of good character, approved integrity, well informed, able to read, write, and speak the English language, reside in the election precinct in which he/she is to serve, be entitled to vote in his/her election unit, and hold office for a term of two years or until judges and clerks of election are appointed for the next state primary election. (Neb. Rev. Stat. §32-403 thru 32-412)

SECTION 1-609: OATH OF ELECTION OFFICIALS

Prior to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by state law. If there is no judge present at the opening of the polls, it shall be unlawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (Neb. Rev. Stat. §11-101.01, 19-3015, 32-413, 32-414)

SECTION 1-610: VOTER QUALIFICATIONS

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

SECTION 1-611: EXIT POLLS

No person shall conduct any exit poll, public opinion poll or any other interview with voters seeking to determine voter preference on election day within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

SECTION 1-612: CAUCUS CANDIDATES

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

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

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

SECTION 1-613: PETITION CANDIDATES

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

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

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

4. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for governor or president of the United States at the immediately preceding general election within the Village, not to exceed 2,000.

5. Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the Village and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election.

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

SECTION 1-614: SPECIAL JOINT ELECTIONS

1. Any issue to be submitted to the registered voters at a special election by the Village shall be certified by the village clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

2. In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the village clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election.

3. After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the village clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots, issue absentee ballots and conduct the submission of the issue, including the receiving and counting of the ballots. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the Village Board. The canvass by the county canvassing board shall have the same force and effect as if made by the Village Board.

(Neb. Rev. Stat. §32-559)

SECTION 1-615: TIE VOTES

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk shall notify such candidates to appear at his/her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (Neb. Rev. Stat. §32-1122)

SECTION 1-616: CERTIFICATE OF NOMINATION OR ELECTION

1. The county clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the canvassing board has declared to have received the highest vote for each municipal office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves.

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

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

SECTION 1-617: INABILITY TO ASSUME OFFICE

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

SECTION 1-618: RECALL PROCEDURE

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

2. Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the village clerk. Each petition paper shall conform to the requirements of state law. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the village clerk by at least one regis-

tered voter. Such voter or voters shall be deemed to be the principal circulator(s) of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the village clerk issue initial petition papers to the principal circulator for circulation. The clerk shall notify the principal circulator that the necessary signatures must be gathered within 30 days from the date of issuing petitions.

3. The village clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his/her office, the name of the principal circulator to whom the papers were issued, the date of issuance, and the number of papers issued. The clerk shall certify on the papers the name of the principal circulator to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator who checks out petitions from the village clerk may distribute such petitions to registered voters residing in the Village who may act as circulators of such petitions.

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

5. A petition demanding that the question of removing a member of the Village Board be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election.

6. The principal circulator shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the village clerk within 30 days after the village clerk issues the initial petition papers to the principal circulator. Within 15 days after the filing of the petition, the clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signature may be removed unless the village clerk receives an affidavit signed by the person requesting his/her signature be removed before the petitions are filed with the clerk for signature verification. If the petition is found to be sufficient, the village clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the village clerk shall file the petition in his/her office without prejudice to the filing of a new petition for the same purpose.

7. If the recall petition is found to be sufficient, the village clerk shall notify the official whose removal is sought and the Village Board that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the Village Board shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the Village within 90 days of the expiration of the five-day period,

the Board shall provide for the holding of the removal election on the same day. After the Village Board sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

8. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or if the election results in a tie, the official shall continue in office for the remainder of his/her term but may be subject to further recall attempts as provided in subsection (10) of this section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this code and state law. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the secretary of state, election commissioner or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the village clerk that he/she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the Village Board at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the secretary of state, election commissioner or county clerk.

9. No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his/her removal or the removal of another member of the Village Board during the remainder of his/her term of office.

10. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his/her term of office or within six months prior to the incumbent filing deadline for the office.

(Neb. Rev. Stat. §32-1301 through 32-1309)

Article 7 – Penal Provision

SECTION 1-701: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter for which a penalty is not therein provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not more than \$500.00. Each day that maintenance of the same continues shall constitute a separate offense.