

TITLE III: ADMINISTRATION

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CHAPTER 30: ELECTED OFFICIALS; ORDINANCES

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GENERAL PROVISIONS

§ 30.01 ELECTED OFFICIALS; VACANCY.

(A) Every elective office shall be vacant upon the happening of any of the events specified in Neb. RS 32-560.

(B) Except as otherwise provided in divisions (D) or (E) of this section, vacancies in village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term. Notice of a

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

(C) The Chairperson 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 Chairperson 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 Chairperson 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 Chairperson 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 on the Board shall have the same rights, including voting, as if such person were elected.

(D) The Chairperson and Board of Trustees may, in lieu of filling a vacancy in a village elected office as provided in divisions (B) and (C) of this section, call a special election to fill such vacancy.

(E) If vacancies exist in the offices of a majority of the members of the Board of Trustees, the Secretary of State shall conduct a special election to fill such vacancies, except that the Board of Trustees of a village situated in more than one county shall have power to fill by appointment any vacancy that may occur in their number.

(Neb. RS 32-560 through 32-572, 32-1308)

Cross-reference:

Ineligibility of official subject to recall, see § 34.13(J)

BOARD OF TRUSTEES

§ 30.15 ORGANIZATION.

The Board of Trustees shall consist of five members. Any person who is a citizen of the United States, a resident of the municipality at the time of his or her election, and a registered voter may be eligible to be elected to the Board of Trustees. Every trustee so elected and so qualified shall hold his or her office for a term of four years, provided that a trustee's term shall expire and the office will become vacant upon a change of residence from the municipality. The members of the Board of Trustees

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 discharge the duties of their office. All trustees elected to office shall qualify and meet at the first regular meeting of the Board in December, organize, and appoint the municipal officers required by law.
(Neb. RS 17-202 through 17-204, 32-532)

§ 30.16 POWERS AND DUTIES.

(A) The Board of Trustees shall have the power to pass ordinances to prevent and remove nuisances; to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within the village; to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to erect, repair, and regulate wharves and the rates of wharfage; to regulate the landing of watercraft; to provide for the inspection of building materials to be used or offered for sale in the village; to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining, and all excavations through and under, the sidewalks of the village; and in addition to the special powers herein conferred and granted, to maintain the peace, good government, and welfare of the village and its trade, commerce, and manufactories; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding \$500 for any one offense, recoverable with costs.
(Neb. RS 17-207)

(B) The village has the power and authority by ordinance to define, regulate, suppress, and prevent nuisances, and to declare what constitutes a nuisance, and to abate and remove the same. The village may exercise such power and authority within its zoning jurisdiction.
(Neb. RS 18-1720)

§ 30.17 VILLAGE BOARD CHAIRPERSON; SELECTION AND DUTIES.

The Village Board Chairperson shall be selected at the first regular meeting of the Board of Trustees in December by the Board of Trustees from its own membership. The Chairperson shall preside at all meetings of the Board of Trustees. In the absence of the Chairperson, the Board of Trustees shall elect one of its own body to occupy the position temporarily who shall hold the title of Chairperson pro tempore of the Board of Trustees. The Chairperson and the Chairperson pro tempore shall have the same powers and privileges as other members of the Board of Trustees. The Chairperson shall cause the ordinances of the Board of Trustees to be printed and published for the information of the inhabitants. The Chairperson shall also perform all duties of his or her office in accordance with the laws of the State of Nebraska, and the ordinances of the municipality. The qualifications for the Chairperson shall be the same general qualifications that apply to the members of the Board of Trustees.

Cross-reference:

Election of chair pro tem, see § 33.03

Election chair, see § 33.15

Statutory reference:

General provisions, Neb. RS 17-202 through 17-210

§ 30.18 STANDING COMMITTEES.

(A) At the organizational meeting of the Village Board, the Village Chairperson shall appoint members of such standing committees as the Village Board may by ordinance, or resolution, create. The membership of such standing committees may be changed at any time by the Village Chairperson. The Village Chairperson shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one year, unless reappointed.

(B) The following standing committees shall be appointed or reappointed each year until changed by the Board of Trustees:

(1) Street;

(2) Finance;

(3) Lights;

(4) Water;

(5) Sewer; and

(6) Park and garbage.

Statutory reference:

Powers of the Board of Trustees, Neb. RS 17-208

ORDINANCES, RESOLUTIONS, AND MOTIONS

§ 30.30 GRANT OF POWER.

The Board of Trustees may make all ordinances, bylaws, rules, regulations, and resolutions, not inconsistent with the laws of the state of Nebraska, as may be expedient for maintaining the peace, good government, and welfare of the municipality and its trade, commerce, and manufactories.

(Neb. RS 17-505)

Statutory reference:

Prosecution in county court, Neb. RS 25-2703

§ 30.31 PROCEDURE FOR 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 members elected to the Board of Trustees. The issue raised by the resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board of Trustees. 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.

§ 30.32 INTRODUCTION OF ORDINANCES.

Ordinances shall be introduced by members of the Board of Trustees in one of the following ways:

(A) With the recognition of the Chairperson, a member may, in the presence and hearing of a majority of the members elected to the Board of Trustees, read aloud the substance of the proposed ordinance and file a copy with the Municipal Clerk for future consideration; or

(B) With the recognition of the Chairperson, a member may present the proposed ordinance to the Clerk who, in the presence and hearing of a majority of the members elected to the Board of Trustees, shall read aloud the substance of the ordinance and file it for future consideration.

§ 30.33 ORDINANCES; STYLE, TITLE.

(A) The style of all municipal ordinances shall be:

"Be it ordained by the Chairperson and Board of Trustees of the Village of Giltner, Nebraska."

(B) No ordinance shall contain a subject which is not clearly expressed in the title.
(Neb. RS 17-613, 17-614)

Statutory references:

Additional requirements, Neb. RS 17-614

Adoption of standard codes, Neb. RS 18-132

§ 30.34 READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS.

(A) Ordinances of a general or permanent nature shall be read by title on three different days unless $\frac{3}{4}$ of the Board of Trustees vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. A reading of any ordinance in full may be required by $\frac{3}{4}$ of the Board of Trustees before enactment under either procedure set out in this section. All ordinances and resolutions or orders for the appropriation or payment of money shall require

for their passage or adoption the concurrence of a majority of all members elected to the Board of Trustees.

(Neb. RS 17-614)

(B) On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Board of Trustees, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order a concurrence of a majority of the whole number of members elected to the Board of Trustees shall be required. All appointments of the officers by the Board of Trustees shall be made *viva voce*, and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or *viva voce* vote shall be satisfied by a municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the Board of Trustees to be readily seen by the public.

(Neb. RS 17-616)

§ 30.35 PUBLICATION OR POSTING.

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

(A) In some newspaper published in the municipality or, if no paper is published in the municipality, then by posting a written or printed copy in each of three public places in the municipality;
or

(B) In book or pamphlet form.

(Neb. RS 17-613)

Statutory references:

Chairperson of Board of Trustees, duties, Neb. RS 17-210

Emergency ordinance, Neb. RS 17-613

Publication or posting required, Neb. RS 18-131

§ 30.36 CERTIFICATE OF PUBLICATION OR POSTING.

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

(Neb. RS 17-613)

Statutory reference:

Passage; rules and regulations, Neb. RS 17-615

§ 30.37 EFFECTIVE DATE; EMERGENCY ORDINANCES.

(A) Except as provided in § 30.35 and division (B) of this section, an ordinance for the government of the municipality which has been adopted by the Board of Trustees without submission to the voters of the municipality shall not go into effect until 15 days after the passage of the ordinance.
(Neb. RS 19-3701)

(B) In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Chairperson and the posting thereof in at least three of the most public places in the municipality. Such emergency ordinance shall recite the emergency, be passed by a $\frac{3}{4}$ vote of the Board of Trustees, and be entered of record on the Municipal Clerk's minutes.
(Neb. RS 17-613)

§ 30.38 AMENDMENTS AND REVISIONS.

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the municipality and modifications to zoning or building districts may be adopted as otherwise provided by law.
(Neb. RS 17-614)

RESOLUTION # 31.01.17

VILLAGE OF GILTNER
HAMILTON COUNTY
STATE OF NEBRASKA

Be it resolved that on December 12, 2016, in the course of reorganizing for the year 2017 the Board of Trustees, Village of Giltner, Nebraska do hereby declare the following as legal:

Attorney: **Svehla Law Firm – Kent Rauert**

Auditor: **Almquist, Maltzahn, Galloway & Luth**

Depository: **Giltner State Bank**

NPAIT

Exchange Bank

Cornerstone Bank

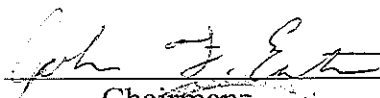
Pinnacle Bank

Engineer: **Miller & Associates**

Newspaper: **Aurora News Register**

Street Supt.: **Reed A. Miller – Miller & Associates**

Any other resolution or section passed and approved prior to passage and approval of this resolution and in conflict with its provisions is repealed. This resolution shall take effect and be in full force from and after its passage and approval.



Chairman

(SEAL)





Joan Eastman – Village Clerk

Date: December 12, 2016

CHAPTER 31: APPOINTED VILLAGE OFFICIALS

Section

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- 31.03 Municipal Clerk
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- 31.09 Special Engineer
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§ 31.01 APPOINTMENT; REMOVAL.

(A) The Board of Trustees may appoint a Municipal Clerk, Treasurer, Attorney, Overseer of the Streets, and Marshal.

(B) It shall appoint a Board of Health and shall also appoint such additional officials and employees as they may determine the municipality needs.
(Neb. RS 17-208)

(C) All such appointees shall hold office for one year, unless sooner removed by the Chairperson of the Board of Trustees by and with the advice and consent of the remainder of the Board of Trustees. If the municipality has a Municipal Water Commissioner, the Municipal Water Commissioner may at any time, for sufficient cause, be removed from office by a 2/3 vote of the Board of Trustees.
(Neb. RS 17-541)

Statutory reference:

Water Commissioner, see Neb. RS 17-541

Law enforcement reserve force, see Neb. RS 81-1438

§ 31.02 MERGER OF OFFICES.

The Board of Trustees may 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 or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time, except that Trustees may perform and upon Board approval receive compensation for seasonal or emergency work subject to Neb. RS 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 offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. RS 17-209.02)

Statutory reference:

Political accountability and disclosure; conflicts of interest, Neb. RS 49-14,103.01 through 49-14,103.06

§ 31.03 MUNICIPAL CLERK.

(A) The Municipal Clerk shall attend the meetings of the Board of Trustees and keep a correct journal of the proceedings of that body. He or she shall keep a record of all outstanding bonds against the municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He or she shall make, at the end of the fiscal year, a report of the business of the municipality transacted through his or her office for the year. That record shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He or she shall file all official bonds after the same shall have been properly executed and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Board of Trustees.

(B) The Municipal Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the municipal ordinances. He or she shall collect all occupation taxes and license money, except where some other municipal officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the municipality and the purpose for which they have been issued.

(C) The Municipal Clerk shall permit no records, public papers, or other documents of the municipality kept and preserved in his or her office to be taken therefrom, except by such officers of the municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her in a blank book with a proper index. He or she shall include as part of his or her 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.

He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He or she shall 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 or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

(D) (1) The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Chairperson for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said officers, employees, or committees. With the seal of the municipality, he or she shall duly attest the Chairperson's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Board of Trustees.

(2) Within 30 days after any meeting of the Board of Trustees, the Municipal Clerk shall prepare and publish the official proceedings of the Board of Trustees in a legal newspaper of general circulation in the municipality and which was duly designated as such by the Board of Trustees. The publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided by the statutes of the state of Nebraska, Neb. RS 19-1102 and 23-122.

(Neb. RS 19-1102)

(3) The publication shall be charged against the general fund.

(Neb. RS 19-1103)

(4) The Municipal Clerk shall then keep in a book with a proper index copies of all notices required to be published or posted by the Municipal Clerk by order of the Board of Trustees or under the ordinances of the municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only.

(E) The Municipal Clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the municipality, and in the event that the said claim is disallowed in part or in whole, the Municipal Clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such disallowance, and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

(F) The Municipal Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Board of Trustees. He or she shall destroy municipal records under the direction of the State Records Board pursuant to Neb. RS 84-1201 through 84-1227, provided that the Board of Trustees shall not have the authority to destroy the minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board.

Statutory references:

Duties generally, Neb. RS 17-605

Examination of public records free of charge; obtaining copies, Neb. RS 84-712

Penalty for failure to perform duties, Neb. RS 19-1104

Publication of official proceedings, Neb. RS 19-1102 et seq.

Publication rates, Neb. RS 23-122 and Neb. RS 33-141 through 33-143

Records Management Act, Neb. RS 84-1201 through 84-1227

§ 31.04 MUNICIPAL TREASURER.

(A) The Municipal Treasurer shall be the custodian of all moneys belonging to the municipality. He or she shall keep all money belonging to the municipality separate and distinct from his or her own money. He or she shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He or she shall give to every person paying money into the municipal treasury a receipt therefor, specifying the date of payment and the account paid. One copy of the receipt shall be filed with the treasurer's monthly report, and another copy of the receipt shall be kept on file in his or her office. His or her books and accounts shall always be open for inspection by any citizen of the municipality whenever any municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt, or other record of receipt, cash, or expenditure involving public funds is involved. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the municipality, whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily, and he or she shall adopt such bookkeeping methods as the Board of Trustees shall prescribe. He or she shall invest and collect all money owned by or owed to the municipality as directed by the Board of Trustees.

(B) The Municipal Treasurer shall at the end of each and every month, and such other times as the Board of Trustees may deem necessary, render an account to the Board of Trustees under oath showing the financial state of the municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He or she shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her. He or she shall also produce depository evidence that all municipal money is in a solvent and going bank in the name of the municipality. If the Municipal Treasurer shall neglect or fail for the space of ten days from the end of each and every month to render the accounts as aforesaid, the Board of Trustees shall by resolution declare the office vacant and appoint some person to fill the

vacancy. The Municipal Treasurer shall be present at each regular meeting of the Board of Trustees, at which time he or she shall read and file his monthly report.

(C) The Municipal Treasurer shall prepare and publish annually in a legal newspaper having general circulation within the municipality, within 60 days following the close of the municipal fiscal year, a statement of the receipts and expenditures by funds of the municipality for the preceding fiscal year.

Statutory reference:

Annual report required to be published, Neb. RS 19-1101 and 19-1103

Examination of public records free of charge; obtaining copies, Neb. RS 84-712 et seq.

Statutory duties, Neb. RS 17-606 through 17-609

§ 31.05 CLERK-TREASURER POSITION.

The appointive offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the Board of Trustees by § 31.02.

§ 31.06 MUNICIPAL ATTORNEY.

The Municipal Attorney is the municipality's legal advisor, and as such he or she shall commence, prosecute, and defend all suits on behalf of the municipality. When requested by the Board of Trustees, he or she shall attend meetings of the Board of Trustees and shall advise any municipal official in all matters of law in which the interests of the municipality may be involved. He or she shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the municipality. He or she shall examine all bonds, contracts, and documents on which the Board of Trustees will be required to act and attach thereto a brief statement in writing to all such instruments and documents as to whether or not the document is in legal and proper form. He or she shall prepare complaints, attend, and prosecute violations of the municipal ordinances when directed to do so by the Board of Trustees. Without direction, he or she shall appear and prosecute all cases for violation of the municipal ordinances that have been appealed to and are pending in any higher court. He or she shall also examine, when requested to do so by the Board of Trustees, the ordinance records and advise and assist the Municipal 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 they will be valid, and subsisting local laws in so far as their passage and approval are concerned. The Board of Trustees shall have the right to compensate the Municipal Attorney for legal services on such terms as the Board of Trustees and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the municipality.

Statutory reference:

Authorizing and similar provisions, Neb. RS 17-610

§ 31.07 MUNICIPAL UTILITIES SUPERINTENDENT.

(A) A Utilities Superintendent shall be appointed in the event that there is more than one municipal utility and the Board of Trustees determines that it is in the best interest of the municipality to appoint one official to have the immediate control over all the said municipal utilities. Any vacancy occurring in the said office by death, resignation, or removal may be filled in the manner hereinbefore provided for the appointment of all municipal officials.

(B) The Utilities Superintendent's duties over the following departments shall be as stated herein:

(1) *Water Department.* He or she shall have general supervision and control over the municipal 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 municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Board of Trustees. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System which the Board of Trustees may from time to time hire to operate and maintain the system. Unless some other official is specifically designated, he or she shall collect all money received by the municipality on account of the system of waterworks and shall faithfully account for and pay over to the Municipal Treasurer all such money collected in the name of the municipality and receive a receipt from the Municipal Treasurer for the depository evidence of the faithful discharge of this duty. This receipt shall then be filed with the Municipal Clerk, and the second copy shall be kept by the Superintendent. He or she shall make a detailed report to the Board of Trustees at least once every six months of the condition of the water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he or 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 waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of duties which shall amount to not less than the amount set by resolution of the Board of Trustees and on file in the office of the Municipal Clerk. He shall perform such additional duties as may be prescribed by the Board of Trustees.

(2) *Sewer Department.* The Utilities Superintendent shall have the immediate control and supervision over all the employees and property that make up the municipal sewer system, subject to the general control and directives of the Board of Trustees. He or she shall at least every six months make a detailed report to the Board of Trustees on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he or she may believe are needed along with an estimate of the cost thereof. He or she shall have such other duties as the Board of Trustees may delegate. He or she shall issue permits for all connections to the municipal sewer system and inspect and supervise all repairs made to the said system.

(3) *Street Department.* The Utilities Superintendent shall, subject to the orders and directives of the Board of Trustees, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the municipality and shall perform such other duties as the Board

of Trustees may require. It shall be his or her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He or she shall, at the request of the Board of Trustees, make a detailed report to the Board of Trustees on the condition of the streets, sidewalks, culverts, alleys, and bridges of the municipality and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he or she may believe are needed to maintain a satisfactory street system in the municipality, along with an estimate of the cost thereof. He or she shall issue such permits and assume such other duties as the Board of Trustees may direct.

Statutory reference:

Incentive payments to street superintendents, Neb. RS 39-2512

Water Commissioner required, Neb. RS 17-541

§ 31.08 PARK SUPERINTENDENT.

The Municipal Parks Superintendent shall have the immediate control and supervision of the Municipal Parks, and of all employees and property that make up the park system, subject to the general control and directives of the Board of Trustees. He shall, at least every six months, make a detailed report to the Board of Trustees on the condition of the park system, and shall direct their attention to such improvements, repairs, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall supervise all repairs made to the said system. He shall also have such additional duties as the Board of Trustees may delegate to him.

§ 31.09 SPECIAL ENGINEER.

The Board of Trustees may employ a Special Engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his or her surveys and all other work done for the municipality. He or she shall, 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 of Trustees. He or she shall, 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 municipality and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Board of Trustees may require. All records of the Special Engineer shall be public records which shall belong to the municipality and shall be turned over to his or her successor.

Statutory reference:

Authority to employ special engineer, Neb. RS 17-568

Duties related to annexation, Neb. RS 17-405

Duties related to public works, Neb. RS 17-568.01

Duties related to sewers, Neb. RS 17-919

Engineers and Architects Regulation Act, Neb. RS 81-3401 through 81-3455

§ 31.10 COUNTY SHERIFF AS LAW ENFORCEMENT OFFICER.

The Hamilton County Sheriff shall direct the police work of the municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector and Building Inspector, except in the event the municipality appoints another person to those offices. He shall file the necessary complaints in cases arising out of violations of municipal ordinances, and shall make all necessary reports required by the municipal ordinances or the laws of the state.

§ 31.11 FIRE CHIEF.

The municipal Fire Chief shall be elected by the members of the Fire Department. He or she shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He or she shall within two days investigate the cause, origin, and circumstances of fires arising within his or her jurisdiction. He or she shall, on or before the first day in April and October of each year, cause the secretary to file with the Municipal Clerk and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire and for a period of 36 hours thereafter to arrest any suspected arsonist or any person for hindering the department's efforts, conducting himself or herself in a noisy and disorderly manner, or any person who refuses to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief or an assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal and protection of property. Failure to obey such an order shall be an offense punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his or her jurisdiction for the purpose of examining the same for fire hazards and related dangers.

Statutory reference:

Authority to enforce ordinances by imposing fine, see Neb. RS 17-505

Membership, rolls, and filings, see Neb. RS 35-102

Life insurance required, see Neb. RS 35-108

Investigations and reports required, see Neb. RS 81-506

Authority to conduct inspections, see Neb. RS 81-512

ORDINANCE # 31.12

STATE OF NEBRASKA
COUNTY OF HAMILTON
VILLAGE OF GILTNER

An ordinance of the Village of Giltner, Hamilton County, Nebraska, setting and establishing wages and salaries for trustees and employees of the Village of Giltner for the calendar year commencing January 1, 2017 and continuing to and through December 31, 2017; repealing all ordinances in conflict herewith; and providing a time when this ordinance shall go into full force and effect.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, HAMILTON COUNTY, NEBRASKA;

SECTION 1: There be and hereby are established salaries for the trustees and employees of the Village of Giltner, Hamilton County, Nebraska, for the 2017 calendar year as follows:

Board Chairman	<u>\$ 50.00 /month</u>
Board Treasurer	<u>\$ 45.00 / month</u>
Board Trustees	<u>\$ 40.00 / month</u>
Clerk/Treasurer \$25 a meeting, \$.54 mileage (changes by state website in January), 3% retirement, 5% health insurance	<u>\$ 14.50 / hour</u>
Park Employee	<u>\$ 12.11 / hour</u>
Building Manager \$25 a meeting when requested	<u>\$ 12.11 / hour</u>
Utility Superintendent 3% retirement, \$25 reg. meeting, 5% health insurance	<u>\$36,050.00/ yearly salary</u>


SECTION 2: Any other ordinance section passed or approved prior to the passage, approval and publication of this ordinance and in conflict with its provisions is hereby repealed.

SECTION 3: If any section in this ordinance or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

(reference: Revised State Statute 17-209)

APPROVED AND PASSED BY THE GOVERNING BODY OF THE VILLAGE OF GILTNER, HAMILTON COUNTY, NEBRASKA, and THIS 12TH DAY OF DECEMBER, 2016.



Chairman



Joan Eastman – Village Clerk



CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Board and Commissions

- 32.01 Board of Health
- 32.02 Library Board

Utility Departments

- 32.20 Water department; operation and funding
- 32.21 Sewer department; operation and funding

Fire Department

- 32.40 Operation and funding
- 32.41 Fire Chief
- 32.42 Membership
- 32.43 Records
- 32.44 Fires
- 32.45 Distant fires
- 32.46 Inspections
- 32.47 Notice of violation
- 32.48 Power of arrest
- 32.49 Fire investigation

Parks Department

- 32.60 Operation and funding

BOARD AND COMMISSIONS

§ 32.01 BOARD OF HEALTH.

The Village Board shall appoint a Board of Health consisting of three members: the Chairperson of the Village Board, who shall be the Chairperson, and two other members. A majority of the Board

of Health shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of the village and prevent nuisances and unsanitary conditions. The Board of Health shall enforce the same and provide fines and punishments for violations. The appointees shall hold office for one year unless removed by the Chairperson of the Village Board with the advice and consent of the Trustees.

(Neb. RS 17-208) (Res. 201, passed 4-9-01)

Cross-reference:

Health and safety, see Chapter 93

§ 32.02 LIBRARY BOARD.

(A) The Library Board is a group of people who volunteer their time to staff the municipal library.

(B) The Library Board shall consist of five appointed members who shall be residents of the Municipality and who shall serve terms of two years. The board members shall be appointed by a majority vote of the members of the Village Board. No member of the Village Board shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Village Board shall fill the vacancy for the unexpired term.

(C) No member shall receive any pay or compensation for any services rendered as a member of the Library Board. The Village Board may require the members of the Library Board to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties.

(D) The members of the Library Board shall immediately after their appointment meet and organize by electing from their number a President, a Secretary, and such other officers as may be necessary. No member of the Board shall serve in the capacity of both the President and Secretary of the Board. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time.

(E) A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Library Board may designate. Special meetings may be held upon the call of the President or a majority of the members of the Board.

(F) The Library Board shall have general charge of the Municipal Library and shall establish appropriate rules and regulations for the management, operation, and use of the Library. All actions of the Board shall be subject to the review and supervision of the Village Board. The Board shall be

RESOLUTION # 32.01.17

VILLAGE OF GILTNER}
COUNTY OF HAMILTON}
STATE OF NEBRASKA}

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE BE IT RESOLVED that during the course of reorganization, the Board of Trustees, shall appoint three (3) persons to the Board of Health.

The Chairperson of the Village Board, John Eastman shall be the chairperson and two (2) other persons shall be appointed. Such members are: Jordan Eastman, and Kay Larson. The appointees shall hold office for one (1) year unless removed by the chairperson of the Village board with the advice and consent of the trustees.

(Ref. 17-208 RS Neb.)

Any other resolution or section passed and approved prior to passage and approval of this resolution and in conflict with its provisions is repealed.

This resolution shall take effect and be in full force from and after its passage and approval.

John F. Eastman
Chairperson

Joan Eastman
Joan Eastman – Village Clerk

Date: December 12, 2016



responsible for making such reports and performing such additional duties as the Village Board may designate from time to time.

Cross-reference:

Libraries, see Chapter 90

Statutory References:

Restrictions on council members/village trustees serving on an appointed board, Neb. RS 17-209.02

Authority to establish library, Neb. RS 51-201

Elected or appointed board members, terms, vacancies, compensation, Neb. RS 51-202

Organization, officers, quorum, Neb. RS 51-204

Authority to adopt bylaws, rules, and regulations, Neb. RS 51-205 and 51-211

Release or renewal of mortgages, Neb. RS 51-206

Control of expenditures, collections, donations, buildings, and grounds, Neb. RS 51-207

Use of library by another municipality, a county, or a school district, Neb. RS 51-208

Handling of taxes and other funds, Neb. RS 51-209

Authority to acquire property for library building, Neb. RS 51-210

Appointment of librarian and assistants, Neb. RS 51-211

Authority to charge for nonbasic services, Neb. RS 51-211 and 51-212

Discrimination prohibited, Neb. RS 51-211

Authority to regulate use of library, Neb. RS 51-212

Annual report required, Neb. RS 51-213

Recovery of penalties, Neb. RS 51-214

Donations to library, Neb. RS 51-215

Sale and conveyance of real estate, Neb. RS 51-216

Exemption from execution and taxation, Neb. RS 51-218

Deposit and use of private materials, Neb. RS 51-219

UTILITY DEPARTMENTS

§ 32.20 WATER DEPARTMENT; OPERATION AND FUNDING.

The municipality owns and operates the water department through the Board of Trustees or its authorized agent. The Board of Trustees, for the purpose of defraying the cost of the care, management, and maintenance of the water department may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all taxable property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the water fund and shall remain in the custody of the Municipal Treasurer. The Board of Trustees or its authorized agent shall have the direct management and control of the water department. The Board of Trustees shall have the authority to adopt rules and regulations for the sanitary and efficient management of the water department. The

Board of Trustees shall set the rates to be charged for services rendered and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time.

Statutory reference:

Waterworks acquisition and construction authorized, see Neb. RS 17-531

Bonds, interest, and taxing authority, see Neb. RS 17-534

Public utility extension and improvements, see Neb. RS 19-1305

§ 32.21 SEWER DEPARTMENT; OPERATION AND FUNDING.

(A) The municipality owns and operates the municipal sewer system through the Board of Trustees or its authorized agent.

(B) For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the municipality, the Board of Trustees may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the municipality. The revenue from the tax shall be known as the water and sewer maintenance fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.

(C) The Board of Trustees or its authorized agent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department. The Board of Trustees shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time.

Statutory reference:

Taxing authority, see Neb. RS 17-925.01

FIRE DEPARTMENT

§ 32.40 OPERATION AND FUNDING.

The municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firefighters. The Board of Trustees, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by state law on the taxable value of all taxable property within the municipality. The revenue from the tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer.

Cross-reference:

Rural fire protection interlocal agreement, see T.S.O. I

Statutory reference:

Taxing authority, see Neb. RS 17-718

Fire station creation and maintenance, see Neb. RS 17-953

§ 32.41 FIRE CHIEF.

The Fire Chief shall manage the Fire Department.

§ 32.42 MEMBERSHIP.

The Fire Chief shall appoint no more than 25 members for each Fire Department Company subject to the review and approval of the Board of Trustees. All vacancies shall be filled in this manner. The members shall be considered to be employees of the municipality for the purpose of providing them with workers' compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$5,000 for death from any cause to age 65, and such policy shall, at the option of the individual firefighter, be convertible to a permanent form of life insurance at age 65, provided that the firefighter covered is actively and faithfully performing the duties of his/her position. The Fire Department shall consist of so many members as may be decided by the Board of Trustees. The members may organize themselves in any way they may decide, subject to the review of the Board of Trustees. They may hold meetings and engage in social activities with the approval of the Board of Trustees. The secretary shall upon request keep a record of all meetings and shall make a report to the Board of Trustees of all meetings and activities of the Fire Department. The Board of Trustees may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the Fire Chief or the Board of Trustees. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police personnel and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the state of Nebraska. Volunteer firefighters and rescue squad members testifying as a witness in connection with his or her officially assigned duties in that capacity alone shall not be deemed employees of the municipality.

Statutory reference:

Witness fees prohibited, see Neb. RS 33-139.01

General regulations, see Neb. RS 35-101 through 35-103

Life insurance required, see Neb. RS 35-108

§ 32.43 RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, and a record of all fires. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he shall include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

§ 32.44 FIRES.

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires, to protect property within the municipality, and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

§ 32.45 DISTANT FIRES.

(A) Upon the permission of the Chairperson, such fire equipment of the municipality as may be designated by the Board of Trustees as rural equipment may be used beyond the corporate limits to extinguish reported fires.

(B) The firefighters of the Municipality shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the Municipality when directed to do so by the Chief of the Fire Department or some person authorized to act for such Chief and in so doing, may take such fire equipment of the Municipality as may be designated by the Board of Trustees.

§ 32.46 INSPECTIONS.

It shall be the duty of the Fire Chief, when directed to do so by the Board of Trustees, to inspect or cause to be inspected by Fire Department officers, members, or some other official as often as may be necessary, but not less than two times a year, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to create a fire hazard. The inspection shall be of the storage, sale and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits, in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

§ 32.47 NOTICE OF VIOLATION.

(A) Upon the finding that the Municipal Code has been violated, the Fire Chief shall notify, or cause to be notified, the owner, occupant, or manager of the premise where a violation has occurred. Notice may be made personally or by delivering a copy to the premise and affixing it to the door of the main entrance of the said premise. Whenever it may be necessary to serve such an order upon the owner, such order may be served personally, or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction.

(B) Any such order shall be immediately complied with by the owner, occupant, or manager of the premise or building. The owner, occupant, or manager may, within five (5) days after such order by the Chief of the Fire Department or his agent, appeal the order with the Governing Body requesting a review and it shall be the duty of the Governing Body to hear the same within not less than five (5) days nor more than ten (10) days from the time when the request was filed in writing with the Municipal Clerk. The Governing Body shall then affirm, modify, or rescind the said order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the Fire Chief. A copy of any decision so made shall be sent to both the Fire Chief and the owner, occupant, or manager making the appeal.

§ 32.48 POWER OF ARREST.

The Municipal Fire Chief or the assistant Fire Chief shall have the power, during the time of a fire and for a period of 36 hours after its extinguishment, to arrest any suspected arsonist, or other person hindering or resisting the fire fighting effort, or any person who conducts himself or herself in a noisy or disorderly manner. The officials shall be severally vested with the usual powers and authority of municipal police officers to command all persons to assist them in the performance of their duties.

§ 32.49 FIRE INVESTIGATION.

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the municipality in which property has been destroyed or damaged in excess of \$50. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring within the municipality shall immediately notify the State Fire Marshal and shall within one week of the occurrence of the fire furnish him or her with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he or she may call for.

Statutory reference:

Investigation and report required, see Neb. RS 81-506

PARKS DEPARTMENT**§ 32.60 OPERATION AND FUNDING.**

The municipality owns and operates the municipal parks and other recreational areas through the Park Superintendent. The Board of Trustees, for the purpose of defraying the cost of the care, management, and maintenance of the municipal park may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all taxable property within the corporate limits. The revenue from the said tax shall be known as the park fund and shall remain in the custody of the Municipal Treasurer. The Park Superintendent with permission of the Board of Trustees, shall have the authority to adopt rules and regulations for the efficient management of the municipal parks and other recreational areas of the municipality. The Park Superintendent shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the Board of Trustees prior to the contractual agreement.

Statutory reference:

Recreation centers and areas generally, see Neb. RS 17-948 through 17-952

CHAPTER 33: GENERAL PROVISIONS

Section

Meetings

- 33.01 Definitions
- 33.02 Public
- 33.03 When; where; quorum
- 33.04 Special meetings
- 33.05 Videoconferencing
- 33.06 Teleconferencing
- 33.07 Closed sessions
- 33.08 Emergency meetings
- 33.09 Minutes
- 33.10 Votes
- 33.11 Notice to news media
- 33.12 Public participation
- 33.13 Order of business
- 33.14 Change in office
- 33.15 Organizational meetings

Bonds and Oaths

- 33.30 Bonds; form
- 33.31 Oath of office; municipal officials

Compensation

- 33.45 Municipal officials
- 33.46 Conflict of interest

MEETINGS**§ 33.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MEETINGS. 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. RS 84-1409(2))

PUBLIC BODY.

(1) (a) The governing body of the municipality;

(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 subchapter 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. RS 84-1409(1))

§ 33.02 PUBLIC.

(A) All public meetings as defined by law shall be held in a municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Board of Trustees usually holds such meetings unless the publicized notice required by this section designates some other public building or other specified place.

(B) The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Board of Trustees and to the public by a method designated by the Board of Trustees or by the Chairperson if the Board of Trustees has not designated a method. The notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda that is kept continually current shall be readily available for public inspection at the office of the Municipal Clerk during normal business hours. 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 Board of Trustees scheduled outside the corporate limits of the

NOTICE OF MEETING

A meeting of the Chairperson and Board of Trustees of the Village of Giltner, Nebraska, was held at the **Community Center** in said Village on the **11th** day of **January, 2016** at **6:00 o'clock P. M.** Present were Chairperson **John Eastman**, Trustees, **Jordan Eastman and Terra Hinrichs.** Absent was: **Kay Larson and Casey Nuss.** Notice of the meeting was given in advance thereof by posting in three places. Meeting notice was posted at the **Community Center, Library and Post Office.** Publishing was in the legally declared newspaper, The Aurora News Register as shown by the Affidavit of Publication attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and Board of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

ORDINANCE RECORD

1 READING & PASSED

Giltner, Nebraska

January 11, 2016

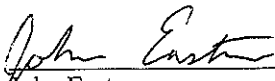
Trustee **John Eastman** introduced **Ordinance No. 33.03 Section A** Regular meetings shall be held on the second Monday of each month at the hour of **6:00 p.m.** entitled: **When; Where; Quorum**


and moved that the statutory rule requiring reading on three different days be suspended. Trustee **Jordan Eastman** seconded the motion to suspend the rules and upon roll call vote on the motion, the following Trustees voted YEA: **Terra Hinrichs, Jordan Eastman and John Eastman.** The following Trustees voted NAY: _____ . Absent was: **Kay Larson and Casey Nuss.**

The motion to suspend the rules was adopted by three-fourths of the Village Board and the statutory rule was declared suspended for consideration of said ordinance.

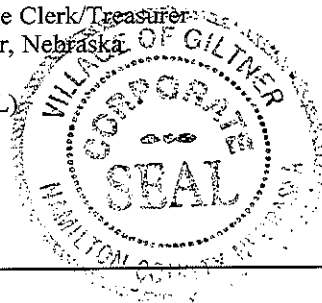
Said ordinance was then read by title and thereafter Trustee **John Eastman** moved for final passage of the ordinance, which motion was seconded by Trustee **Terra Hinrichs.** The Chairperson then stated the question: "Shall **Ordinance No. 33.03** be passed and adopted?" Upon roll call vote, the following Trustees voted YEA: **Jordan Eastman, Terra Hinrichs, and John Eastman.** The following voted NAY: _____ . Absent was: **Kay Larson and Casey Nuss.** The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board of Trustees, the Chairperson declared the ordinance adopted and the Chairperson, in the presence of the Trustees, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

I, **Joan Eastman**, Clerk of the Village of Giltner, Nebraska, hereby certify that **Ordinance No. 33.03**, as attached herewith, was passed and approved on the **11th** day of **January, 2016**, and has been posted in three public places, **Community Center, Library and Post Office**, for legally required time after said passage.


John Eastman
Village Board Chairman


Joan Eastman
Village Clerk/Treasurer
Giltner, Nebraska

(SEAL)



municipality. The Board of Trustees shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.

(C) The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, the names of each member of the Board of Trustees present or absent at each convened meeting, and the substance of all matters discussed. The minutes of the Board of Trustees shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk.

(D) Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Board of Trustees in open session. The record of the Municipal Clerk shall show how each member voted or that the member was absent and did not vote.

Statutory reference:

Meetings required to be public, see Neb. RS 84-1408

Definitions, see Neb. RS 84-1409

Notice, agenda, and the like, see Neb. RS 84-1411

Minutes, roll call, secret ballot, see Neb. RS 84-1413

§ 33.03 WHEN; WHERE; QUORUM.

(A) The meetings of the Board of Trustees shall be held at the town hall. Regular meetings shall be held on the second Monday of each month at the hour of 7:00 p.m.

(B) At all meetings of the Board of Trustees a majority of the Board shall constitute a quorum to do business. A smaller number may adjourn from day to day and 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.

(Neb. RS 17-205)

(C) At the hour appointed for the meeting, the Municipal 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 Chairperson, if present. In the absence of the Chairperson, the members of the Board of Trustees shall elect a Chairperson pro tempore.

(Ord. passed 3-6-00)

Cross-reference:

Village Board Chairperson; selection and duties, see § 30.17

Statutory reference:

Designation of time and place for meetings, see Neb. RS 17-104

Appointment of Chairperson pro tempore, see Neb. RS 17-210

§ 33.04 SPECIAL MEETINGS.

(A) Special meetings may be called by the Chairperson or by three members of the Board of Trustees, the object of which shall be submitted to the Board of Trustees in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk.

(B) On filing the call for a special meeting, the Municipal Clerk shall notify the Board of Trustees of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Trustee known to be out of the state or physically unable to be present.

(C) All ordinances passed at any special meeting shall comply with procedures set forth in §§ 30.30 through 30.38.

§ 33.05 VIDEOCONFERENCING.

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

(1) Reasonable advance publicized notice is given;

(2) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing were not used;

(3) At least one copy of all documents being considered is available to the public at each site of the videoconference;

(4) At least one member of the governing body or advisory committee is present at each site of the videoconference; and

(5) No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

(B) Videoconferencing shall not be used to circumvent any of the public government purposes established in Neb. RS 84-1408 to 84-1414.
(Neb. RS 84-1411)

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESOLUTION # 33.03.01

VILLAGE OF GILTNER}
HAMILTON COUNTY}
STATE OF NEBRASKA}

Be it resolved that since the Board of Trustees, Village of Giltner, Nebraska is the governing body of the Village of Giltner, Nebraska, therefore;

Be it resolved that on October 13, 2008 the Board of Trustees, Village of Giltner, Nebraska does hereby declare the Giltner Community Center as the legal meeting place of the Village Board. The building is located at **9021** North Commercial Avenue, Giltner. All meetings shall be open to the public and held in open session.

Any other resolution or section passed and approved prior to passage and approval of this resolution and in conflict with its provisions is repealed. This resolution shall take effect and be in full force from and after its passage and approval.

Reference: Giltner Code 33.03

Delbert E. Nuss

Delbert Nuss
Chairperson

Charlynn Kral Krcilek
Charlynn Kral Krcilek
Village Clerk

Date: Oct. 13, 2008

(seal)

VIDEOCONFERENCING. Conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. RS 84-1409)

§ 33.06 TELECONFERENCING.

(A) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(1) The territory represented by the member public agencies of the entity or pool covers more than one county;

(2) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;

(3) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(4) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(5) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(6) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(7) The telephone conference call lasts no more than one hour; and

(8) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

(B) Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls shall not be used to circumvent any of the public government purposes established in Neb. RS 84-1408 to 84-1414.

(Neb. RS 84-1411(3))

§ 33.07 CLOSED SESSIONS.

(A) (1) Any public body may hold a closed session by the 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 and if such individual has not requested a public meeting. Closed sessions may be held for but shall not be limited to such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(2) Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(B) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (A)(1)(a) of this section.

(C) Any member of the public body 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 or if the member contends that the closed session is neither clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(D) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions

of this subchapter. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this subchapter.

(E) The provisions of this subchapter shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. RS 84-1410)

§ 33.08 EMERGENCY MEETINGS.

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. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of § 33.11 shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(Neb. RS 84-1411(4))

§ 33.09 MINUTES.

Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier.

(Neb. RS 84-1413(1), (4), and (5))

Statutory reference:

Rights of the public, see Neb. RS 84-1412

§ 33.10 VOTES.

(A) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by the municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Board of Trustees to be readily seen by the public.

(Neb. RS 84-1413(2))

(B) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(Neb. RS 84-1413(3))

Statutory reference:

Voting procedure generally, see Neb. RS 17-616

§ 33.11 NOTICE TO NEWS MEDIA.

The Municipal Clerk, secretary, or other designee of each public body 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. RS 84-1411(3))

§ 33.12 PUBLIC PARTICIPATION.

(A) Subject to the provisions of this subchapter, the public shall have 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 meetings called pursuant to § 33.07, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(B) 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. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself.

(C) No public body shall for the purpose of circumventing the provisions of this subchapter hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. 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.

(D) An agency which contracts with municipalities outside the state of Nebraska may hold meetings of any committee outside the state of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the state of Nebraska, which meeting shall comply with Neb. RS 84-1408 to 84-1414.

(E) 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. Public bodies shall make available at the meeting, 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. RS 84-1412)

§ 33.13 ORDER OF BUSINESS.

(A) All meetings of the Board of Trustees 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 of Trustees, the Municipal Clerk, the Chairperson, and such other municipal officials that may be required shall take their regular stations in the meeting place, and the business of the municipality shall be taken up for consideration and disposition in the manner prescribed below, or by the official agenda on file at the office of the Municipal Clerk.

(B) The business of the municipality shall be taken up for consideration and disposition in the following order:

- (1) Call to order;
- (2) Roll call;
- (3) Recognition that the meeting was preceded by public notice and determined to be legal and in open session;
- (4) Approval of prior meeting's minutes;
- (5) Approval of prior month's claims;
- (6) Old business;
- (7) New business;
- (8) Announcement of next meeting date and time; and
- (9) Adjournment.

§ 33.14 CHANGE IN OFFICE.

The change in office shall be made as follows: the Chairperson and Board of Trustees shall meet on the first regular meeting date in December of each year in which a municipal election is held and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports, and upon the old Board of Trustees having completed its business up to the time, the outgoing members of

the Board of Trustees shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his or her successor in office all property, records, papers, and moneys, belonging to the same.

§ 33.15 ORGANIZATIONAL MEETINGS.

(A) The newly elected Board of Trustees shall convene at the regular place of meeting at the first regular meeting of the Board in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The Chairperson 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 municipality to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required.

(B) After ascertaining that all trustees and officers are duly qualified, the Board shall then elect one of its own body who shall be styled as Chairperson of the Board of Trustees. The Chairperson shall then nominate his or her candidates for appointive offices, and said officers shall hold office until their successors are duly appointed and qualified. The Chairperson shall then proceed with the regular order of business.

(C) 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 of the Board in December following his or her election. Immediately upon the assembly of the newly elected Board upon the first regular meeting in December following the election, each officer elected at the general election shall take possession of his 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 Municipal Clerk within two weeks from the date of his or her said appointment, provided that on said bond shall be endorsed the same oath as required of a 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.

Statutory reference:

Oath; meetings generally, Neb. RS 17-204

BONDS AND OATHS

§ 33.30 BONDS; FORM.

The Board of Trustees may require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duty. Official bonds of the municipality shall be in form joint and several and shall be made payable to the municipality in such penalty as the Board of Trustees may set by resolution, provided that 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 municipal officials shall be executed by the 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 that no municipal official, while still in his or 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 municipality. 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 municipality 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 the approval of the Board of Trustees and all sureties are endorsed in writing on the said instrument by the Chairperson and Municipal Clerk pursuant to the said approval of the Board of Trustees. The premium on any official bond required to be given may be paid out of the general fund or other proper municipal fund, upon a resolution to that effect by the Board of Trustees at the beginning of any municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his or her official records, and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee, which shall be set by resolution of the Board of Trustees. In the event that the sureties on the official bond of any officer of the municipality, in the opinion of the Board of Trustees, become insufficient, the Board of Trustees may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond or additional sureties to the satisfaction and approval of the Board of Trustees, then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Board of Trustees to appoint a competent and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election.

Statutory reference:

Bonds generally and similar provisions, see Neb. RS 11-103 through 11-118

Power to regulate offices, see Neb. RS 17-604

§ 33.31 OATH OF OFFICE; MUNICIPAL OFFICIALS.

(A) All officials of the municipality, 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 and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of, _____, according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by

force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God."

(B) If any such officer is not required to give bond, the oath shall be filed with the Municipal Clerk. (Neb. RS 11-101)

COMPENSATION

§ 33.45 MUNICIPAL OFFICIALS.

The compensation of any elective official of the municipality shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices, provided that the compensation of the members of the Board of Trustees, 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 or she resigns and desires to be rehired during the unexpired term of office. He or she may be rehired after the term of office during which he or she resigned at a greater salary. All salaries shall be set by ordinance of the Board of Trustees and will be available for public inspection at the office of the Municipal Clerk.

Statutory reference:

Compensation for merged offices, see Neb. RS 17-209.02

Compensation of elected offices regulated, see Neb. RS 17-612

§ 33.46 CONFLICT OF INTEREST.

(A) (1) For purposes of this section, **OFFICER** shall mean:

(a) Any member of any board or commission of the municipality;

(b) Any appointed official, if such municipal 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 municipal 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.

(B) (1) No officer of the municipality shall be permitted to benefit from any contract to which the municipality 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 municipality 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 municipality has benefited thereby.

(2) The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

(a) Has a business association with the business involved in the contract. **BUSINESS ASSOCIATION** shall mean a business:

1. In which the individual is a partner, limited liability company member, director, or officer; or

2. In which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than 10% equity interest; or

(b) Will receive a direct pecuniary fee or commission as a result of the contract, except that if such officer is an employee of the business involved in the contract and 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.

(3) The provisions of this section shall not apply if the interested officer:

(a) Makes a declaration on the record to the Board of Trustees 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 municipality as to inspection or performance under the contract in which he or she has an interest.

(D) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any municipality 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

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division (C), if an officer's parent, spouse, or child is an employee of the municipality, 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 or her parent, spouse, or child, such officer shall disclose the hiring pursuant to division (E), 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 municipality.

(Neb. RS 49-14,103.01)

(E) (1) The Municipal Clerk shall maintain, separately from other records, a ledger containing the information listed in subdivisions (2)(a) through (e) of this division (E) about every contract entered into by the municipality in which an officer has an interest as specified above for which disclosure is made as provided in division (C).

(2) 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 municipality involved;
- (d) Amount of the contract; and
- (e) Basic terms of the contract.

(F) The information supplied relative to the contract shall be provided to the Clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the Clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

(Neb. RS 49-14,103.02)

(G) An open account established for the benefit of any municipality 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 ten 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.

(Neb. RS 49-14,103.03)

(H) Notwithstanding divisions (D) through (G) of this section, the Board of Trustees may prohibit contracts over a specific dollar amount in which an officer of the Board of Trustees may have an interest.

(Neb. RS 49-14,103.05)

(I) The municipality may enact ordinances exempting from the provisions of this section, contracts involving \$100 or less in which an officer of such municipality may have an interest.

(Neb. RS 49-14,103.06)

(J) No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the municipality other than his or her salary. The Board of Trustees 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 municipality.

(Neb. RS 17-611)

Statutory reference:

Private gain by public officers, see Neb. RS 18-305 through 18-312

Utility officers permitted to serve in elected office, see Neb. RS 70-624.04

ORDINANCE NO. 33.47

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

An ordinance of the Village of Giltner, Nebraska to adopt the Open Meetings Act, Sections 84-1407 to 84-1414 Neb Revised State Statute. *(see Exhibit A)*

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE, BE IT ORDAINED THAT THE CHAIRPERSON AND THE BOARD OF TRUSTEES, GILTNER, NEBRASKA, do;

HEREBY, pass Ordinance # 33.47 cited as the Open Meetings Act, Sections 84-1407 to 84-1414 Neb Revised State Statute.

Any other ordinance passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval and required posting or publishing as required by law.

Randy Findley

Randy Findley
Chairperson

Charlynn Kral Krcilek

Charlynn Kral Krcilek
Village Clerk

Date: 8.14.06

(SEAL)

CHAPTER 34: ELECTIONS

Section

- 34.01 Generally
- 34.02 Notice
- 34.03 Registered voters; qualifications
- 34.04 Special elections
- 34.05 Election of officers; certification
- 34.06 Officers; terms; qualifications
- 34.07 Partisan ballot; when allowed; requirements
- 34.08 Caucus candidates
- 34.09 Petition candidates; number of signatures required; procedure
- 34.10 Exit polls
- 34.11 Certificate of nomination or election
- 34.12 Inability to assume office
- 34.13 Recall procedure

§ 34.01 GENERALLY.

All municipal issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if municipal offices or issues can reasonably be combined with the non-partisan ballot and state law does not require otherwise. When the municipality holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election by the municipality shall be held as provided in the Election Act unless otherwise provided by Neb. RS 19-3001 through 19-3052.

(Neb. RS 32-556)

Statutory reference:

Statewide primary election, see Neb. RS 32-401

Statewide general election, see Neb. RS 32-404

Conformance to Election Act, see Neb. RS 32-404(1)

Notice, publication, and printing of ballots, see Neb. RS 32-801 through 32-822

Election costs, see Neb. RS 32-1201 through 32-1208

§ 34.02 NOTICE.

The notice of election required to be published by the Election Commissioner or County Clerk no less than 40 days prior to an election shall serve as the notice requirement for all municipal elections which are held in conjunction with the statewide primary or general election.

Statutory reference:

Notice of election requirements, see Neb. RS 32-802

§ 34.03 REGISTERED VOTERS; QUALIFICATIONS.

(A) For purposes of this section, **REGISTERED VOTER** shall mean an elector who has a current voter registration record on file with the Election Commissioner or County Clerk.

(Neb. RS 32-115)

(B) All registered voters residing within the corporate limits of the municipality on or before election day shall be entitled to vote at all municipal elections.

(Neb. RS 17-602)

Statutory reference:

Definition of elector, see Neb. RS 32-110

§ 34.04 SPECIAL ELECTIONS.

(A) Any issue to be submitted to the registered voters at a special election by the municipality shall be certified by the Municipal 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. RS 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.

(B) In lieu of submitting the issue at a special election, the municipality 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 Municipal Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(C) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the Municipal 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 and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. 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 Board of Trustees. The canvass by the county canvassing board shall have the same force and effect as if made by the Board of Trustees.

(Neb. RS 32-559)

§ 34.05 ELECTION OF OFFICERS; CERTIFICATION.

(A) All municipal elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election.

(Neb. RS 32-556)

(B) No later than July 1 of each even-numbered year, the Board of Trustees shall certify to the Secretary of State, the Election Commissioner, or the County Clerk the name of the municipality, 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 term, and the number of votes to be cast by a registered voter for each office.

(Neb. RS 32-404(2))

§ 34.06 OFFICERS; TERMS; QUALIFICATIONS.

(A) The members of the Village Board of Trustees shall be elected from the municipality at large.

(B) The members of the Village Board of Trustees shall be elected at the statewide general election as provided in Neb. RS 17-202 and each four years thereafter. Except as provided in such section, the term of each trustee shall be four years or until his or her successor is elected and qualified.

(Neb. RS 32-533)

(C) Any person may be a Trustee who is a citizen of the United States, resides in the village, and is a registered voter.

(Neb. RS 32-532, 32-554)

Statutory reference:

Election; qualification generally, Neb. RS 17-201 et seq.

§ 34.07 PARTISAN BALLOT; WHEN ALLOWED; REQUIREMENTS.

All elective municipal offices shall be nominated and elected on a nonpartisan basis unless the Board of Trustees provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than 60 days prior to the filing deadline.

(Neb. RS 32-557)

§ 34.08 CAUCUS CANDIDATES.

(A) The Board of Trustees 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 Board of Trustees 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.

(Neb. RS 17-601.01)

(B) The chairperson of the caucus at which candidates are nominated shall notify in writing the Municipal Clerk of the candidates so nominated, not later than two days following the caucus. The Municipal Clerk shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. A candidate so nominated shall not have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she files with the Municipal Clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he or she was nominated.

(Neb. RS 17-601.02)

§ 34.09 PETITION CANDIDATES; NUMBER OF SIGNATURES REQUIRED; PROCEDURE.

(A) (1) Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 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 or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-626(1) and the candidate files for the office by petition as prescribed in this section.

(B) (1) 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 municipality.

(2) 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 municipality, not to exceed 2,000.

(C) Petitions for nomination shall conform to the requirements of Neb. RS 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 municipality and shall be filed with the filing officer in the same manner as provided for candidate

filing forms in Neb. RS 32-607. Petition signers and circulators shall conform to the requirements of Neb. RS 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. RS 32-616 through 32-618)

§ 34.10 EXIT POLLS.

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance of any polling place room or, if inside the polling place building, within 100 feet of any voting booth.

(Neb. RS 32-1525)

§ 34.11 CERTIFICATE OF NOMINATION OR ELECTION.

(A) The Election Commissioner, County Clerk, or Municipal Clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a 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% percent 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 or she is a candidate serves.

(B) A certificate of election prepared by the Municipal Clerk shall be in the form as nearly as possible prescribed in Neb. RS 32-1033 and shall be signed by the Chairperson of the Board of Trustees, under the seal of the municipality, and countersigned by the Clerk.

(Neb. RS 19-3041, 32-558, 32-1033)

§ 34.12 INABILITY TO ASSUME OFFICE.

(A) If the candidate who received the highest number of votes for a nonpartisan office in a general election is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate and the registered voters had reasonable notice of such disability at the time of the election, the candidate who received the next highest number of votes to the candidates who would normally receive certificates of election shall be declared elected and shall be entitled to a certificate of election if he or she received not less than 35% of the total number of votes cast for the office in the election and the number of persons to be elected for the office is not greater than two, and not less than 10% when the number of persons to be nominated for the office is greater than two. If the candidate who received the next highest number of votes received less than the required percentage, if no other person was a candidate for the office, or if the registered voters did not have reasonable notice

at the time of the election of the disability of the candidate who received the highest number of votes to merit a certificate of election, a vacancy in such office shall be declared to exist at the time of commencement of the term, and the vacancy may be filled as prescribed by law for such office.

(B) The determination of whether the registered voters had reasonable notice for purposes of this section shall be made by the appropriate filing officer under Neb. RS 32-607. The decision of the filing officer may be appealed to the district court.

(Neb. RS 32-626(2) and (3))

§ 34.13 RECALL PROCEDURE.

(A) Any or all of the elected officials of the municipality may be removed from office by recall pursuant to Neb. RS 32-1301 through 32-1309.

(Neb. RS 32-1302(1))

(B) Petition circulators shall conform to the requirements of the Election Act. Each circulator of a recall petition shall be a registered voter and qualified by his or her residence to vote for the office in question on the date of the issuance of the initial petition papers.

(Neb. RS 32-1303(2))

(C) The petition papers shall be procured from the Municipal Clerk, who shall keep a sufficient number of such blank petition papers on file for distribution. Each petition paper shall conform to the requirements of Neb. RS 32-1304. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the Municipal Clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the Municipal Clerk issue initial petition papers to the principal circulator for circulation. The Municipal Clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(Neb. RS 32-1303(3))

(D) The Municipal Clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The Municipal Clerk shall certify on the papers the name of the principal circulator or circulators 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 or circulators who check out petitions from the Municipal Clerk may distribute such petitions to registered voters residing in the district who may act as circulators of such petitions.

(Neb. RS 32-1303(4))

(E) 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 or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.
(Neb. RS 32-1303(5))

(F) A petition demanding that the question of removing an elected official 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 that office in the last general election.
(Neb. RS 32-1303(1))

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

(H) If the recall petition is found to be sufficient, the Municipal Clerk shall notify the official whose removal is sought and the governing body that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the governing body 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 that district within 90 days of the expiration of the five-day period, the governing body shall provide for the holding of the removal election on the same day. After the governing body 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.

(I) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (K) 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 or 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 provided in § 30.01 of this code. 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 Municipal Clerk that he or she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the governing body 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.

(J) 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 or her removal or the removal of another member of the governing body during the remainder of his or her term of office.

(K) No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.
(Neb. RS 32-1301 through 32-1309)

CHAPTER 35: FINANCE AND REVENUE

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GENERAL PROVISIONS

§ 35.01 PUBLIC FUNDS DEFINED.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC FUNDS. All money, including non-tax money, used in the operation and functions of governing bodies. If the municipality has a lottery established under the Nebraska County and Village Lottery Act, only those net proceeds which are actually received by the municipality from a licensed lottery operator shall be considered **PUBLIC FUNDS**, and **PUBLIC FUNDS** shall not include amounts awarded as prizes.

(Neb. RS 13-503(7))

§ 35.02 CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS.

(A) Except as provided in Neb. RS 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 municipality, 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 \$20,000, shall be made unless it is first approved by the Board of Trustees.

(B) Except as provided in Neb. RS 18-412.01, before the Board of Trustees makes any contract in excess of \$20,000 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 Municipal Engineer and submitted to the Board of Trustees. In advertising for bids as provided in divisions (C) and (E) of this section, the Board of Trustees may publish the amount of the estimate.

(C) Advertisements for bids shall be required for any contract costing over \$20,000 entered into:

(1) 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

(2) For the purchase of equipment used in the construction of such enlargement or general improvements.

(D) A municipal electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

- (1) \$20,000 or less;
- (2) \$40,000 or less and the municipal electric utility has gross annual revenue from retail sales in excess of \$1,000,000;
- (3) \$60,000 or less and the municipal electric utility has gross annual revenue from retail sales in excess of \$5,000,000;
- (4) \$80,000 or less and the municipal electric utility has gross annual revenue from retail sales in excess of \$10,000,000.

(E) The advertisement provided for in division (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the municipality and, if there is no legal newspaper published in or of general circulation in the municipality, then in some newspaper of general circulation published in the county in which the municipality is located, and if there is no legal newspaper of general circulation published in the county in which the municipality 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 municipality 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 municipality 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. RS 17-613 when adopted by a $\frac{3}{4}$ vote of the Board of Trustees and entered of record.

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

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

(Neb. RS 17-568.01)

(H) Any municipal bidding procedure may be waived by the Board of Trustees:

(1) 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. RS 81-145 to 81-162; or

(2) When the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503.
(Neb. RS 17-568.02)

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

(1) **PERSONAL PROPERTY** includes but is not limited to supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and

(2) **PURCHASING** or **PURCHASE** means the obtaining of personal property by sale, lease, or other contractual means.
(Neb. RS 18-1756)

Statutory reference:

Requirements for public lettings, see Neb. RS 73-101 et seq.

§ 35.03 ANNUAL AUDIT; FINANCIAL STATEMENTS.

(A) (1) The Board of Trustees shall cause an audit of the municipal accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Board. The audit shall be completed and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit not less than three copies of the audit report to the Board of Trustees.
(Neb. RS 19-2903)

(2) The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the municipality as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall be filed with the Municipal Clerk, and shall become a part of the public records of the Municipal Clerk's office, and will at all times thereafter be open for public inspection.
(Neb. RS 19-2904)

(3) One copy shall be filed with the auditor of public accounts, provided that the village may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the auditor of public accounts in a form prescribed by him or her.

The unaudited statement of cash receipts and disbursements shall become a part of the public records of the Municipal Clerk and shall at all times thereafter be open and subject to public inspection.
(Neb. RS 19-2905)

(B) The Board of Trustees shall provide and file with the Municipal Clerk not later than August 1, or the date as otherwise mandated by Neb. RS 17-701, of each year financial statements showing its actual and budgeted figures for the most recently completed fiscal year.
(Neb. RS 13-606)

Statutory reference:

State municipal auditing regulations; similar provisions, Neb. RS 19-2901 through 19-2909

§ 35.04 CLAIMS; WARRANTS.

(A) All claims against the municipality shall be presented to the Board of Trustees in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the municipality in any action brought against it for an unliquidated claim which has not been presented to the Board of Trustees 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 municipal treasury for the appropriate fund against which it is to be drawn, provided that in the event there exists 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.

(B) All warrants drawn upon the municipal treasury must be signed by the Board Chairperson and countersigned by the Municipal Clerk, stating the particular fund to which the warrant is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn and the amount already expended of such fund.
(Neb. RS 17-711)

Statutory reference:

Similar provisions, see Neb. RS 17-714 and 17-715

§ 35.05 EXPENDITURES.

(A) No municipal official shall have the power to appropriate, issue, or draw any order or warrant on the municipal treasury for money, unless the same has been appropriated or ordered by ordinance.
(Neb. RS 17-708)

(B) No expenditure for any improvement to be paid for out of the general fund of the municipality shall exceed in any one year the amount provided for that improvement in the adopted budget statement.

§ 35.06 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE.

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

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

(C) A municipality that elects to collect its special assessments shall:

(1) 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

(2) File a release of assessment upon final payment of each assessment with the Register of Deeds.

(Neb. RS 18-1216)

§ 35.07 SPECIAL ASSESSMENT FUND.

All money received on special tax assessments shall be held by the Municipal Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose whatever, unless to reimburse the municipality for money expended for any such improvement.

(Neb. RS 17-710)

§ 35.08 SINKING FUNDS.

(A) The Board of Trustees, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law upon the taxable value of all taxable property within the municipality for a term not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of the approved uses as authorized by state law.

(Neb. RS 19-1302)

(B) To initiate the sinking fund, the Board of Trustees shall declare its purpose by resolution to submit to the qualified electors of the municipality the proposition to provide the improvement at the next general municipal election. The resolution shall set forth a clear description of the improvement, the estimated cost, the amount of the annual levy, over a definite period of years (not exceeding ten years) required to pay such cost, and the specific name or designation for the sinking fund sought to be

established to carry out the planned improvement, together with a statement of the proposition for placement upon the ballot at such election. Notice of the 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 municipality. 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 Board of Trustees may then proceed to establish the fund in conformity with the provisions of the proposition and applicable state law. The funds received by the Municipal Treasurer shall, as they accumulate, be immediately invested with the written approval of the Board of Trustees in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Board of Trustees is authorized to do so by 60% of the qualified electors of the municipality voting at a general election favoring such a change in the use of the sinking fund.

Statutory reference:

Similar provisions, see Neb. RS 19-1301 through 19-1304

Investment of funds, see Neb. RS 77-2337 and 77-2341

§ 35.09 DEPOSIT OF FUNDS.

(A) The Board of Trustees, at its first meeting in each fiscal year, shall designate some one or more banks or capital stock financial institutions of approved and responsible standing in which the Municipal Treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as Municipal Treasurer. If there is one or more banks or capital stock financial institutions located in the municipality which apply for the privilege of keeping such money and give bond or give security for the repayment of deposits as provided in this section, such banks or capital stock financial institutions shall be selected as such depositories. The Municipal Treasurer shall not give a preference to any one or more of them in the money he or she may so deposit.

(B) (1) The Board of Trustees shall require from all banks or capital stock financial institutions:

(a) A bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation; or, in lieu thereof

(b) Security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions.

(2) The Board of Trustees shall approve such bond or giving of security. The Municipal Treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. The fact that a stockholder, director, or other officer of such bank or capital stock financial institution is also serving as a member of the governing body or as any other officer of the municipality shall not disqualify such bank or capital stock financial institution from acting as a depository for such municipal funds.

(Neb. RS 17-607)

(C) The insurance afforded to depositors in banks or capital stock financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent

that the deposits are insured by such corporation. For deposits so insured, no other surety bond or other security shall be required. The provisions of Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions.

(Neb. RS 17-2362)

(D) The Municipal Treasurer may deposit the funds received and held by him or her by virtue of such office with a cooperative credit association situated within the boundaries of the county, or a county adjoining thereto, where the municipality is situated, if the municipality is the depositor, as well as in a commercial state or national bank if the cooperative credit association performs all the conditions precedent required by the laws of this state of commercial state and national banks to qualify them to receive deposits of such public funds. It shall not be necessary for the municipality, in making such a deposit of public funds, to purchase shares in such cooperative credit association or become a member thereof, and such a cooperative credit association is hereby authorized and empowered to receive such money under such conditions.

(Neb. RS 21-1316.01)

Statutory reference:

Deposits of public funds regulated, Neb. RS 77-2362 through 77-2364

Public Funds Deposit Security Act, Neb. RS 77-2386 through 77-2397

§ 35.10 CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS.

(A) The Municipal Treasurer may, upon resolution of the Board of Trustees authorizing the same, purchase certificates of deposit from and make time deposits in any bank or capital stock financial institution in the state of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation, and the amount of the excess deposit shall be secured by a bond or by security given in the manner provided in this section. The provisions of Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions.

(Neb. RS 17-720)

(B) For the security of the fund so deposited, the Municipal Treasurer shall require each depository to give bond for the safekeeping and payment of such deposits and the accretions thereof, which bond shall run to the municipality and be approved by the Chairperson. The bond shall be conditioned that such a depository shall, at the end of every quarter, render to the Treasurer a statement in duplicate, showing the several daily balances, the amount of money of the municipality held by it during the quarter, the amount of the accretion thereto, and how credited. The bond shall also be conditioned that the depository shall generally do and perform whatever may be required by the provisions of this section and all regulations imposed by law or adopted by the Board of Trustees for the receiving and holding thereof and shall faithfully discharge the trust reposed in the depository. The bond shall be as nearly as practicable in the form provided in Neb. RS 77-2304. No person in any way connected with any depository as an officer or stockholder shall be accepted as a surety on any bond given by the depository of which he or she is an officer or stockholder. The bond shall be deposited with the Municipal Clerk.

(Neb. RS 16-714)

(C) In lieu of the bond required by division (B) of this section, any bank or capital stock financial institution making application to become a depository may give security as provided in the Public Funds Deposit Security Act to the Municipal Clerk. The penal sum of such bond shall be equal to or greater than the amount of the deposit in excess of that portion of such deposit insured by the Federal Deposit Insurance Corporation.

(Neb. RS 16-715)

(D) The Treasurer shall not have on deposit in any bank or capital stock financial institution at any time more than the amount insured by the Federal Deposit Insurance Corporation plus the maximum amount of the bond given by the bank or capital stock financial institution if the bank or capital stock financial institution gives a surety bond, nor in any bank or capital stock financial institution giving a personal bond, more than the amount insured by the Federal Deposit Insurance Corporation plus ½ of the amount of the bond of such bank or capital stock financial institution, and the amount so on deposit any time with any such bank or capital stock financial institution shall not in either case exceed the amount insured by the Federal Deposit Insurance Corporation plus the paid-up capital stock and surplus of such bank or capital stock financial institution. The Treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond has been duly approved by the Chairperson as provided in division (B) of this section or which has, in lieu of a surety bond, given security as provided in division (C) of this section.

(Neb. RS 16-716)

§ 35.11 INVESTMENT OF FUNDS.

Whenever a village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Board of Trustees may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made.

(Neb. RS 77-2341(1))

Statutory reference:

Investment in bonds, see Neb. RS 17-608 and 17-609

Investment in cooperative credit associations, see Neb. RS 21-1316.01

Investment of funds, see Neb. RS 77-2337 and 77-2341

§ 35.12 BOND ISSUES.

The Board of Trustees may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The Board of Trustees

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.

Statutory reference:

Bonds in general, see Neb. RS 18-1801 through 18-1805

Boundary bridge bonds, see Neb. RS 39-835 through 39-842.01

Cemetery bonds, see Neb. RS 12-1001 through 12-1004 and RS 17-939

Cold storage plant bonds, see Neb. RS 17-958

Compromise of indebtedness, see Neb. RS 10-301 through 10-305

Dikes, see Neb. RS 17-529.01

Flood control project bonds, see Neb. RS 17-529.08

Funding and refunding bonds, see Neb. RS 10-606 through 10-614

General provisions, see Neb. RS 10-101 through 10-143

Internal improvement bonds, see Neb. RS 10-401 through 10-411

Joint power plant bonds, see Neb. RS 17-911

Library bonds, see Neb. RS 17-968

Medical and multiunit facility bonds, see Neb. RS 23-3513

Power plant bonds, see Neb. RS 17-908

Uniform registration and cancellation of bonds, see Neb. RS 10-201 through 10-209

Utilities bonds, see Neb. RS 17-905

Waterworks bonds, see Neb. RS 17-534

§ 35.13 DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY.

(A) The municipality may contract to retain a collection agency licensed pursuant to Neb. RS 45-601 through 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the municipality.

(B) No debt owed pursuant to division (A) of this section may be assigned to a collection agency unless:

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

(a) Of the existence of the debt;

(b) That the debt may be assigned to a collection agency for collection if the debt is not paid; and

(2) At least 30 days have elapsed from the time the notice was sent.

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

(D) For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25 or 4-1/2% 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. RS 45-623)

§ 35.14 CREDIT CARDS; AUTHORITY TO ACCEPT.

(A) The Board of Trustees may authorize municipal officials to accept credit cards, charge cards, or debit cards as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. RS 77-1702.

(B) The total amount of such taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card shall be collected by the municipal official.

(C) The Board of Trustees may choose to accept credit cards, charge cards, or debit cards as a means of cash payment to any facility it operates in a proprietary capacity and may adjust the price for services to reflect the handling and payment costs.

(D) The municipal official shall obtain, for each transaction, authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

(E) The Board of Trustees may choose to accept the types of credit cards, charge cards, or debit cards accepted by and the services provided to the state pursuant to the contract entered into by the state with one or more credit card, charge card, or debit card companies or third-party merchant banks for services on behalf of the state and those political subdivisions that choose to participate in the state contract. The Board of Trustees may choose not to participate in the state contract and may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card, or debit card companies, or third-party merchant banks for the provision of such services.

(F) When authorizing acceptance of credit card or charge card payments, the Board of Trustees shall be authorized but not required to impose a surcharge or convenience fee upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the municipality. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the municipality by credit card or charge card and such a surcharge or convenience

fee is imposed, the payment of such surcharge or convenience fee shall be deemed voluntary by such person and shall be in no case refundable.

(Neb. RS 13-609)

ANNUAL BUDGET

§ 35.30 FISCAL YEAR.

The fiscal year of the municipality and any public utility of the municipality commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act.

(Neb. RS 17-701)

§ 35.31 BUDGET PROCEDURES.

The budget instruction manual prepared by the Auditor of Public Accounts is incorporated by reference for the purpose of proper budget preparation.

§ 35.32 EXPENDITURES PRIOR TO ADOPTION OF BUDGET.

(A) On and after the first day of its fiscal year in 1993 and of each succeeding year and until the adoption of the budget by the Board of Trustees in September, the Board of Trustees may expend any balance of cash on hand for the current expenses of the municipality. Except as provided in division (B) of this section, such expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

(Neb. RS 13-509.01)

(B) The restriction on expenditures in division (A) of this section may be exceeded upon the express finding of the Board of Trustees that expenditures beyond the amount authorized are necessary to enable the municipality to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the Board of Trustees in open public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the municipality in excess of that authorized by any other statutory provision.

(Neb. RS 13-509.02)

§ 35.33 PROPOSED BUDGET STATEMENT; CONTENTS; FILING.

(A) The Board of Trustees shall prepare in writing and file with the Municipal Clerk, not later than the first day of August of each year on forms prescribed and furnished by the Auditor of Public Accounts, a proposed budget statement containing the following information, except as provided by state law:

(1) For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(2) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: The actual unencumbered cash balance available at the beginning of the year; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: 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;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property for the purpose of paying the principal or interest on bonds issued by the Board of Trustees and for all other purposes;

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the Board of Trustees; and

(6) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the Board of Trustees as provided in the Municipal Proprietary Function Act.

(B) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the municipality as well as any funds held by the County Treasurer for the municipality and shall be accurately stated on the proposed budget statement.

(Neb. RS 13-504)

(C) 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, including motor vehicle taxes, other than taxation of personal and real property 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 of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. RS 13-505)

§ 35.34 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION.

(A) After the filing of the proposed budget statement with the Municipal Clerk, the Board of Trustees shall each year conduct a public hearing on the proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the municipality or by direct mailing of the notice to each resident within the municipality.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted, or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately:

(1) The amount to be applied to the payment of principal or interest on bonds issued by the Board of Trustees; and

(2) The amount to be received for all other purposes.

(C) 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 in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

(Neb. RS 13-506)

(D) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. RS 13-507)

RESOLUTION #35.34.08

VILLAGE OF GILTNER}
HAMILTON COUNTY}
STATE OF NEBRASKA}

Be it resolved that since the Board of Trustees, Village of Giltner, Nebraska is the governing body of the Village of Giltner, Nebraska, and;

WHEREAS, NE Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Village of Giltner passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

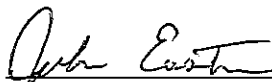
WHEREAS, it is the best interest of the Village of Giltner that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE, the Governing Body of the Village of Giltner, by a majority vote, resolve that:

- 1) The 2016-2017 property tax request be set at \$ 63,194.00
- 2) A copy of this resolution be certified and forwarded to the County Clerk on or before October 10, 2016.

Any other resolution or section passed and approved prior to passage and approval of this resolution and in conflict with its provisions is repealed. This resolution shall take effect and be in full force from and after its passage and approval.

Reference: NE Revised State Statute 77-1601.02, Giltner Code 35.34



John Eastman
Chairperson



Joan Eastman
Village Clerk

Date: September 12, 2016



§ 35.35 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the Board of Trustees shall file with and certify to the levying board on or before September 20 of each year and file with the Auditor of Public Accounts, a copy of the adopted budget statement, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued by the Board of Trustees; and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) The Board of Trustees, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, the Board of Trustees shall not certify an amount of tax more than 1% greater or lesser than the amount determined in the proposed budget statement.

(C) The Board of Trustees may designate one of its members to perform any duty or responsibility required of such body by this section.
(Neb. RS 13-508)

§ 35.36 APPROPRIATION BILL.

The Board of Trustees shall adopt a budget statement pursuant to the Nebraska Budget Act, 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 municipality.
(Neb. RS 17-706)

§ 35.37 REVISION OF BUDGET.

(A) Unless otherwise provided by law, the Board of Trustees may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal, whenever during the current fiscal year it becomes apparent to the Board of Trustees that:

(1) There are circumstances which could not reasonably have been anticipated at the time the budget for the current year was adopted;

(2) The budget adopted violated Neb. RS 13-518 to 13-522, such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. RS 13-518 to 13-522; or

(3) The Board of Trustees has been notified by the State Auditor of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

(B) Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the Board of Trustees jurisdiction. Such published notice shall set forth the following:

(1) The time and place of the hearing;

(2) The amount in dollars of additional or reduced money required and for what purpose;

(3) A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner; and

(4) A copy of the summary of the originally adopted budget previously published.

(C) At such hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

(D) Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the Board of Trustees, the Board of Trustees shall file with the County Clerk of the county or counties in which such Board of Trustees is located, and with the State Auditor, a copy of the revised budget, as adopted, and shall certify the revised amount of tax to be levied. The Board of Trustees may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as registered warrants and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

(E) Within 30 days after the adoption of the budget under Neb. RS 13-506, the Board of Trustees may, or within 30 days after notification of an error by the State Auditor, a governing body shall, correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the Board of Trustees shall file a copy of the corrected budget with the County Clerk of the county or counties in which such Board

of Trustees is located and with the State Auditor. The Board of Trustees may then issue warrants in payment for expenditures authorized by the budget.
(Neb. RS 13-511)

§ 35.38 PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION.

(A) Pursuant to the Municipal Proprietary Function Act, the Board of Trustees may prepare a proprietary budget statement for its proprietary functions separate and apart from its municipal budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, **PROPRIETARY FUNCTION** shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the municipality.
(Neb. RS 18-2803(5))

(B) The Board of Trustees may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the municipality's general fund shall have the same fiscal year as the municipality. For purposes of this section, **SUBSIDIZATION** shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the municipality's general fund in excess of the amount paid by the municipality to the proprietary function for actual service or services received.
(Neb. RS 18-2804)

(C) (1) If the municipality does not include its proprietary functions in its municipal budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the State Auditor and filed with the Municipal Clerk, at least 30 days prior to the start of the fiscal year of each proprietary function, containing the following information:

(a) For the immediate two prior fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

(b) For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, 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 separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

(d) A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

(2) Such statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

(Neb. RS 18-2805)

(D) (1) After the proposed proprietary budget statement is filed with the Municipal Clerk, the Board of Trustees shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the Municipal Clerk during normal business hours shall be published at least five days prior to the hearing in a newspaper of general circulation within the Board of Trustees' jurisdiction or by mailing each resident within the Board of Trustees' jurisdiction.

(2) After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the Municipal Clerk within 20 days after its adoption and published in a newspaper of general circulation within the Board of Trustees' jurisdiction or by mailing to each resident within the Board of Trustees' jurisdiction.

(Neb. RS 18-2806)

(E) If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the Board of Trustees shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the Municipal Clerk and published in a newspaper of general circulation within the Board of Trustees' jurisdiction or by mailing to each resident within the Board of Trustees' jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

(Neb. RS 18-2807)

(F) Any income from a proprietary function which is transferred to the general fund of the municipality shall be shown as a source of revenue in the municipal budget statement created pursuant to the Nebraska Budget Act.

(Neb. RS 18-2808)

TAX LEVIES**§ 35.60 ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVIES.**

(A) The Board of Trustees has decided to certify to the County Clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. RS 77-3442, the all-purpose levy shall not exceed the annual levy specified in Neb. RS 19-1309 to be levied upon the taxable valuation of all taxable property in the municipality.
(Neb. RS 19-1309)

(B) (1) The amount of the all-purpose levy shall be certified as a single amount for general fund purposes.
(Neb. RS 19-1312)

(2) The Board of Trustees shall allocate the amount raised by the all-purpose levy to the several departments of the municipality in its annual budget and appropriation ordinance, or in other legal manner, as the Board of Trustees deems wisest and best.
(Neb. RS 19-1310)

(C) The municipality shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years.
(Neb. RS 19-1311)

(D) Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the municipality may be made by the municipality in addition to the all-purpose levy.
(Neb. RS 19-1309)

§ 35.61 PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED.

(A) Property tax levies for the support of the municipality for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this division (A) except as provided in divisions (B) and (C) of this section. The municipality may levy a maximum levy of \$.45 per \$100 of taxable valuation of property subject to the levy plus an additional \$0.05 per \$100 of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. RS 51-201, museum pursuant to Neb. RS 51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. RS 71-1637, or statue, memorial, or monument pursuant to Neb. RS 80-202. Property tax levies for judgments obtained against the municipality which require or obligate the municipality to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the municipality, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded

indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this division (A). The limitations on tax levies provided in this division (A) are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this division (A) are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. RS 77-1606 unless approved under divisions (B) or (C) of this section.

(B) (1) The municipality may exceed the limits provided in division (A) of this section by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

(2) The Board of Trustees may call for the submission of the issue to the voters:

(a) By passing a resolution calling for exceeding the limits by a vote of at least 2/3 of the members of the Board of Trustees and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the municipality; or

(b) Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the municipality requesting an election signed by at least 5% of the registered voters residing in the municipality.

(3) The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in division (A) of this section and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the County Clerk or Election Commissioner on or after May 1, 1998, the petition shall be in the form as provided in Neb. RS 32-628 through 32-631. Any excess levy authority approved under this division (B) shall terminate pursuant to its terms, on a vote of the Board of Trustees to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in division (D) of this section, whichever is earliest. The Board of Trustees may pass no more than one resolution calling for an election pursuant to this division (D) during any one calendar year. Only one election may be held in any one calendar year pursuant to a petition initiated under this division (B). The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. RS 77-3444. If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in division (A) of this section, but such tax shall not exceed the amount stated in the ballot

question. If a majority of those voting on the ballot question are opposed to such tax, the Board of Trustees shall not impose such tax. The County Clerk or Election Commissioner may set a uniform date for a special election to be held before October 10, 1998, to submit the issue of exceeding the limits provided in Neb. RS 77-3442 or the final levy allocation as provided in Neb. RS 77-3443 to the voters of political subdivisions in the county seeking additional levy authority. The municipality may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different from that set by the County Clerk or Election Commissioner, except that the Board of Trustees shall pass a resolution calling for a special election for this purpose and deliver a copy of the resolution to the County Clerk or Election Commissioner no later than 30 days prior to the date of the election.

(C) In lieu of the election procedures in division (B) of this section, the municipality may approve a levy in excess of the limits in division (A) of this section for a period of one year at a meeting of the residents of the municipality, called after notice is published in a newspaper of general circulation in the municipality at least 20 days prior to the meeting. At least 10% of the registered voters residing in the municipality shall constitute a quorum for purposes of taking action to exceed the limits. If a majority of the registered voters present at the meeting vote in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the County Board prior to October 10 and the County Board shall authorize a levy as approved by the residents for the year. If a majority of the registered voters present at the meeting vote against exceeding the limits or final allocation, the limit or allocation shall not be exceeded and the municipality shall have no power to call for an election under division (B) of this section.

(D) (1) The municipality may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

(2) The Board of Trustees may call for the submission of the issue to the voters:

(a) By passing a resolution calling for the rescission or modification by a vote of at least 2/3 of the members of the Board of Trustees and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the municipality; or

(b) Upon request of a petition by the County Clerk or Election Commissioner of every county containing all or part of the municipality requesting an election signed by at least 5% of the registered voters residing in the municipality.

(3) The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb.

RS 32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.

Statutory reference:

Similar provisions, Neb. RS 77-3442 through 77-3444

§ 35.62 PROPERTY TAX; CERTIFICATION OF AMOUNT.

The Board of Trustees shall, at the time and in the manner provided by law, cause to be certified to the County Clerk the amount of tax to be levied upon the taxable value of all the taxable property of the municipality which the municipality requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. Subject to Neb. RS 77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of the amounts specified in Neb. RS 17-702.
(Neb. RS 17-702)

§ 35.63 PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET.

(A) The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. RS 77-1601 unless the Board of Trustees passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the municipality at least five days prior to the hearing.

(B) The hearing notice shall contain the following information:

(1) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(2) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and

(3) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(B) Any resolution setting a tax request under this section shall be certified and forwarded to the County Clerk prior to October 14 of the year for which the tax request is to apply.

(C) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.

(Neb. RS 77-1601.02)

Statutory reference:

Similar provisions, see Neb. RS 77-1601.02

§ 35.64 MOTOR VEHICLE TAX.

The Board of Trustees may levy a tax on all motor vehicles owned or used in the village, which tax shall be paid to the county treasurer of the county in which the village is located when the registration fees as provided in Neb. RS 60-329 through 60-339 are paid. Such taxes shall be credited by the county treasurer to the road fund of the village. Such funds shall be used by the village for constructing, resurfacing, maintaining, or improving streets, roads alleys, public ways, or parts thereof or for the amortization of bonded indebtedness when created for such purposes.
(Neb. RS 18-1214)

