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### **Article I. In General.**

#### **2-101. Wards and precincts.**

(1) The City is hereby divided into wards and precincts as shown on the map prepared for that purpose, which map is hereby designated as the Hastings Voting Precinct Map, 1998.

(2) The original Hastings Voting Precinct Map, 1998, together with any notation, reference and information shown thereon, is hereby incorporated in this ordinance by reference as though fully set forth herein, and shall be kept on file in the office of the City Clerk.

(Code 1973, 2-2; Ord. Nos. 1639, 2281, 3143-9/89, 3225-8/91, 3274-8/92, 3550-9/95, 3519-1/96 and 3653-9/98)

Reference: Neb. Rev. Stat. Sections 16-104 and 16-105.

#### **2-102. Repealed.**

#### **2-103. Division and departments of city government.**

City government shall be divided generally into four divisions with the various departments of city government assigned to those divisions as follows:

(1) Public Safety Division

- (a) Fire Department
- (b) EOC-911
- (c) Civil Defense
- (d) Police Department

(2) Public Services Division

- (a) Parks & Recreation Department
- (b) Swimming Pools
- (c) City Buildings
- (d) Cemetery
- (e) Recreational/Promotional Activities
- (f) Central Purchasing/Store

(3) Public Works Division

- (a) Engineering Department
- (b) Street and Alley
- (c) Landfill
- (d) Inspection Services
- (e) Health Department
- (f) Planning (and Zoning) Department
- (g) Community Development

(4) Administrative Services Division

- (a) City Clerk
- (b) City Treasurer/Finance/Budget Director
- (c) Personnel/Civil Service
- (d) Research and Development Responsibilities

The various departments of city government which are not assigned to one of the foregoing divisions shall operate under their respective boards. Those departments or functions of city government not assigned to a division, or operating under an individual board, shall report directly to the Mayor and/or City Administrator. The Mayor shall, with the approval of the City Council, appoint the directors of the various

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divisions. Each division director shall hold that office until the end of the Mayor's term and until a successor is appointed and qualified, unless sooner removed by the Mayor with the consent of the City Council.

While department heads shall be appointed and removed by the Mayor and City Council, they shall be supervised by their respective division directors.  
(Ord. Nos. 3055-4/88 and 3287-11/92)

### Article II. City Council.

Reference: Neb. Rev. Stat. Sections 16-401 and 16-304.

#### 2-201. Meetings.

(1) All regular meetings of the City Council shall be held at the Council Chambers in the City Building. Regular meetings shall be held on the second and fourth Mondays in each month, at the hour of 7:00 p.m. The Council may, by motion, establish a different time, date and location for any regular meeting.

(2) Special meetings may be called by the Mayor or by four (4) Councilmen, by filing a written call therefor with the City Clerk. On filing the call the Clerk shall forthwith notify the Chief of Police and direct him to notify the Councilmen not signing the call, of the special meeting, stating the time of meeting and its purpose; Provided, that the members of the Council may execute a waiver of notice of special meeting entered on the Clerk's minute book.

(3) A majority of all members elected to the Council shall constitute a quorum for the transaction of business, except as otherwise required by law, but a smaller number may adjourn from day to day and compel attendance of members; Provided, that on request of any two (2) members, whether a quorum be present or not, any absentee shall be sent for and compelled to attend.

(4) At the hour appointed for the meeting the clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum be present, the Council shall be called to order by the Mayor, if present, or the President of the Council or by the presiding officer as provided for in the following section. (Code 1973, 2-4; Ord. Nos. 2142, 2457, 2626, 2758 and 3287-11/92)

#### 2-202. Council president; vice president; vacancies.

(1) The Council shall elect one of the council members as President of the Council and he or she shall preside at all meetings of the Council in the absence of the Mayor.

(2) In case of any vacancy in the office of Mayor, or in the case of his or her absence or disability, the President of the Council shall exercise the powers and duties of the office of Mayor until such vacancy shall be filled or such disability removed, or in case of temporary absence, until the Mayor returns, and shall perform such other duties as may be required by law.

(3) When there is a vacancy in the office of the Mayor, the President of the City Council shall serve as Mayor for the unexpired term, except as otherwise provided in Nebraska Revised Statutes Section 16-217.

(4) The Council shall elect one of the council members as Vice President of the Council and he or she shall serve in the place of the President if the President is absent. In such event, the Vice President shall be known as the "Acting President."

(5) If the Mayor, the President, and the Vice President are all absent, the Council shall elect one of the council members temporarily, as Acting President of the Council.

(6) The President or Acting President, when occupying the place of Mayor, shall have the same privileges as other members of the council, and all acts of the President or Acting President, while so acting, shall be as binding upon the Council and upon the City as if done by the Mayor.

(7) In the event of a vacancy in the office of President, the Vice President shall not automatically become the President. Rather, the Council shall meet and elect a new President from the remaining members of the City Council. If the person holding the position of Vice President is elected as President, the Council shall also elect a Vice President.

(Code 1973, 2-5; Ord. Nos. 1948, 2760, 2937, 2958 and 3287-11/92)

Reference: Neb. Rev. Stat. Section 16-315.

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### **2-203. Order of business.**

After the City Council has been called to order, the Council shall then proceed to business which shall be conducted generally in the following order:

- (1) Reading of the minutes of the last meeting.
- (2) Consideration of petitions and other communications.
- (3) Reports of officers.
- (4) Reports of select or special committees.
- (5) Unfinished business of preceding meeting.
- (6) Introduction of ordinances and resolutions and first reading of ordinances, first reading, roll call; suspension of rules; roll call; second reading of ordinances; roll call; third reading of ordinances; roll call.
- (7) Final passage of ordinances; roll call; provided, that if the rules are suspended as aforesaid by three-fourths (3/4) of the members-elect of the Council, ordinances of a general and permanent nature shall be read by title one (1) time when introduced, by title the second (2nd) time after the rules have been suspended, then at large the third (3rd) reading and put upon final passage; otherwise ordinances shall be fully read by title on three (3) different days with the "yeas" and "nays" called and recorded which shows concurrence by a majority of all members-elect of the Council.
- (8) Special order of business.
- (9) Consideration of claims.
- (10) Miscellaneous business.

The City Clerk shall prepare the agenda, and in doing so, shall deviate from the general order described above in order to allow related matters to be considered together.  
(Code 1973, 2-6; Ord. No. 2142, 2937, and 2981-7/86)

### **2-204. Rules of procedure.**

The following rules of procedure shall govern meetings of the city council:

- (1) The mayor or president shall preserve order and decide all questions of order, subject to an appeal to the council. When a member is called to order, he shall be seated until the point is decided.
- (2) When the mayor or president is putting the question, no member shall leave the council room.
- (3) All resolutions or motions shall be reduced to writing before being acted upon, if requested by the clerk or any member of the council.
- (4) No motion shall be put or debated unless seconded; when seconded it shall be stated by the presiding officer before being debatable.
- (5) In all cases where a motion or resolution is entered on the minutes, the name of the member proposing such motion or resolution shall be entered also.
- (6) The council may censure any of its members for any breach of trust or disorderly behavior.
- (7) A resolution, ordinance or motion may be withdrawn by the sponsor thereof with the consent of the second, before being voted upon.
- (8) Where a blank is to be filled and different sums or times are proposed, the question shall be put on the largest sum or the longest time.
- (9) A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider shall be made before the expiration of the third regular meeting after the consideration of the same question.

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(10) When a question is under debate, no motion shall be made, entertained, or seconded, except the following privileged motions, to wit: (a) The previous question; (b) to lay on the table; (c) to adjourn. Each of such privileged motions shall be decided without debate.

(11) The vote of any member who is present and who abstains or passes, or otherwise does not vote on a matter, shall be counted as a vote against that matter.

(12) Any rule of the council may be suspended by a two-thirds vote of the members present.

(13) In all cases in which provisions are not made by these rules, Robert's Rules of Order, 1991 Edition, shall be the authority by which the Council is governed. Three (3) copies of that edition shall be kept on file with the City Clerk.

(Code 1973, 2-7; Ord. Nos. 2142 and 3287-11/92)

### **2-205. Worksessions; committees.**

(1) City Council worksessions may be held each Thursday prior to the holding of a regular council meeting, or at such other time as scheduled by the Mayor and Council.

(2) At the first regular meeting in December each year the Mayor, with the approval of a majority of the Council, shall appoint four standing committees consisting of three Council members each, as follows:

(a) Public Safety Committee

(b) Public Services Committee

(c) Public Works Committee

(d) Administrative Services Committee

The area of concern for the Public Safety Committee shall be the Public Safety Division, as well as the Hastings Police Department. Each Council member shall serve on at least one standing committee, and no Council member shall serve on more than two standing committees. Each Council member shall serve on the committee or committees to which appointed for one year and until a successor is appointed to such committee or committees by the Mayor and City Council. A person may serve on a standing committee only while a member of the City Council. If a vacancy on the City Council is filled, the new City Council member shall be appointed to such committee or committees as the Mayor and City Council shall determine.

(3) The Mayor may appoint subcommittees for special purposes or projects.

(4) Committees, with the appropriate division directors, exist for the purpose of providing options and recommendations to the Council. Neither standing committee members nor special committee members are empowered to direct the activities of any department or its personnel. Policy decisions pertaining to division activities are to be made by the Council as a whole and not the committees.

(5) At the same annual organization meeting at which the Mayor and Council appoint Council members to standing committees, the Mayor shall also, with the approval of a majority of the Council, appoint the following Council liaisons from among the City Council:

(a) Utility Board

(b) Museum Board

(c) Library Board

(d) Planning Commission

(e) Housing Authority

(f) Hastings Economic Development Corporation

(g) Chamber of Commerce

(h) Business Improvement District

(i) Little Blue Natural Resources District

(j) Community Development Advisory Board

The Mayor may also direct the City Administrator to attend scheduled meetings of the above boards as necessary.

(Code 1973, 2-8; Ord. Nos. 2759, 2937, 3055-4/88 and 3287-11/92)

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### 2-206. Amount and conditions of bond.

Before entering upon the duties of office, each councilman shall take and file the oath set forth in this article and shall execute a bond to the City with good and sufficient sureties in the sum of one thousand (\$1,000.00) dollars conditioned:

(1) That he will faithfully and impartially discharge the duties of his office.

(2) That if the councilman shall vote for any expenditure or appropriation of money or the creation of any liability in excess of the amount allowed by law, such councilman and his sureties shall be liable on the bond.

(Code 1973, 2-9)

Reference: Neb. Rev. Stat. Section 16-304.

### 2-207. Filling vacancies in office.

Vacancies on the City Council shall be filled by appointment by the Mayor with the consent of the City Council to hold office until a successor is elected at the next regular election held more than sixty (60) days from the date of vacancy. At such election, a successor shall be elected to hold office for the remainder of the term.

(Code 1973, 2-10; Ord. No. 3287-11/92)

Reference: Neb. Rev. Stat. Section 32-4152.

## Article III. Mayor.

### 2-301. Powers generally.

The Mayor shall be the chief executive officer of the city. He or she shall preside at all the meetings of the Council, and may vote on any matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the Council, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. He or she shall have the superintending control of all the officers, affairs and property of the city, and shall take care that the ordinances of the city and the provisions of law relating to cities of the first class are complied with. The Mayor may administer oaths and shall sign the commissions and appointments of all the officers appointed in the city, and shall sign minutes of council meetings, municipal warrants, bonds, contracts, and such other official documents and records as may be required by ordinance or general law.

(Code 1973, 2-25; Ord. No. 3287-11/92)

### 2-302. Veto power.

(1) The mayor shall have the power to approve or veto any ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim; provided, that any such ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim vetoed by him, may be passed over the mayor's veto by a vote of two-thirds of all the members elected to the council, notwithstanding such veto. If he neglects or refuses to sign any ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim, and returns the same with his objections in writing at the next regular meeting of the council, the same shall become a law without his signature. He may veto any items of any appropriation bill and approve the remainder thereof, and the items so vetoed may be passed by the council over such veto as in other cases.

(2) The Mayor shall exercise the veto by submitting same in writing to the City Clerk within five (5) business days after the measure being vetoed was adopted by the Council. Upon receipt of the veto, the City Clerk shall place the possible override of the veto on the agenda of the next regularly scheduled council meeting, and the City Council shall consider the possible override at such meeting; provided, consideration of the possible override may be postponed or tabled to a later meeting, but the Council shall have no right to override a Mayor's veto after the end of the second regular meeting after the Mayor's veto was filed with the City Clerk. For the purposes of this subsection, "business day" shall mean any day of the week on which the City Hall offices are open for business, and does not include Saturdays, Sundays, or city holidays.

(Code 1973, 2-26 Ord. No.)

Reference: Neb. Rev. Stat. Section 16-313.

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### **2-303. Ex officio chairman of board of health; duties relative to public health.**

The mayor shall be ex officio chairman of the board of health of the city and shall see that all health and quarantine ordinances of this city are enforced over all places within two miles of the corporate limits of this city.

(Code 1973, 2-27; Ord. No. 2343)

Reference: Neb. Rev. Stat. Section 16-314.

### **2-304. Remitting fines, granting pardons, etc.**

The mayor shall have the power after conviction to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under this Code and other ordinances of the city.

(Code 1973, 2-28)

Reference: Neb. Rev. Stat. Section 16-316.

### **2-305. Authority to require reports, exhibition of accounts, etc.**

The mayor shall have the power, when deemed necessary, to require any officer of the city to exhibit his accounts or other papers and make any reports in writing, touching any subject or matter pertaining to the conduct of the office of such official.

(Code 1973, 2-29)

### **2-306. Recommendations to city council.**

The mayor shall, from time to time, communicate to the city council such information and make such recommendations as may, in his judgment and opinion, tend to the improvement of the city finances and bettering the police, health, comfort and general welfare of the city.

(Code 1973, 2-30)

### **2-307. Additional powers and duties.**

The mayor may be invested with such other powers and the discharge of such other duties as may be imposed on him by ordinance or by general law.

(Code 1973, 2-31)

## **Article IV. Officers and Employees Generally.**

### **Division 1. Generally.**

#### **2-401. Enumeration and term of office of appointive officers; appointment of members of board.**

(1) The mayor, at the meeting of the council on the second Monday of December following the mayor's election shall, with the consent of the council or a majority of the same, appoint a city clerk, city treasurer, city engineer, city attorney, director of environmental health, director of parks and recreation, and city physician. All of such officers when appointed by the mayor and confirmed by the council shall hold the office to which they have been appointed until the end of the mayor's term of office, and until a successor is appointed and qualified, unless sooner removed by the mayor with approval of a majority of the council, or until the ordinance creating the office shall be repealed, except as otherwise herein provided.

(2) All officers shall receive such salaries as the city council may, from time to time, prescribe.

(3) The mayor shall appoint annually, at such time and in such manner as provided elsewhere in this Code, one member of the council as member of the board of health; one member of the library board; and such other officers, board members, and city employees as he may, in this article and other ordinances of the city, be authorized to appoint.

(Code 1973, 2-11; Ord. Nos. 2257, 2338, and 2844)

Reference: Neb. Rev. Stat. Sections 16-308 to 16-310.

#### **2-402. Salaries of elective officers.**

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(1) The mayor and members of the city council shall receive such salaries as the city council may, from time to time prescribe.

(2) Claims for the salaries of the several officers as fixed herein need not be verified, but warrants for the amount due shall be issued as a matter of course. All fees collected on by any officer or employee of the city shall be the property of the city and shall be paid over to the city treasurer. The emoluments of an officer whose election is required by chapter 16, Revised Statutes of Nebraska, 1943, as currently amended shall not be increased or diminished during the term for which he was elected except as otherwise provided by law. The salary and compensation herein fixed shall not be construed to preclude the additional payment of mileage of city officers and employees when authorized by majority vote of the city council. (Code 1973, 2-12; Ord. Nos. 1713, 2288, 2289, 2386, and 2844)

Reference: Neb. Rev. Stat. Sections 16-218, 16-310, 16-502.

### **2-403. Bonds.**

(1) Required. The mayor and council may require bond of any officer or employee in such sum as they may by resolution designate. In lieu of individual bonds the mayor and council may upon proper resolution approve a single blanket position bond on such officers or employees as the mayor and council shall designate in the resolution.

(2) Filing; premiums. All bonds shall be filed with the city clerk and recorded in his office and shall be for the general benefit of the city and for any and all persons injured by breach of the conditions thereof. The premium on any official bond required to be given as herein provided may be paid out of any proper fund of the city upon resolution of the mayor and council.

(3) Insufficient sureties. Should the sureties on the official bond of any officer of the city, in the opinion of the mayor and council, become insufficient, the mayor and council may by resolution fix a reasonable time within which such officer may give a new bond or additional sureties as directed by such resolution, and should such official fail, refuse or neglect to give such new bond or sureties within the time prescribed by the resolution to the satisfaction and approval of the mayor and council, then the office shall by such failure or neglect become vacant and it shall be the duty of the mayor, by and with the assent of the council, to appoint a competent and qualified person to fill such office. (Code 1973, 2-13; Ord. No. 1800)

Reference: Neb. Rev. Stat. Section 16-219.

### **2-404. Oath of office.**

All officers of the city, whether elected or appointed, shall before entering upon the duties of their respective offices, declare and subscribe the following oath or affirmation:

"I....., do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska and the ordinances of the City of Hastings, 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 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 City or 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 the City or State by force or violence. So help me God."

(Code 1973, 2-14; Ord. No. 1800)

### **2-405. Monthly reports.**

When required by the City Council, any advisory board, authority, commission, appointive officer and employee shall make a written report of the doings of his office or employment monthly and shall file the same with the city clerk in due season before the fourth Monday in each month for the information and consideration of the mayor and council.

(Code 1973, 2-15)

Reference: Neb. Rev. Stat. Sections 16-220 and 16-327.

## **Article V. Appointive Offices.**

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### 2-501. Department heads.

(1) The following positions under the control of the Mayor and City Council are hereby created and confirmed:

City Administrator	Police Chief
City Clerk	Fire Chief
City Treasurer	Emergency Management Director
City Engineer	Museum Director
Director of Public Services	Library Director
Director of Environmental Health	Planning Director
Director of Parks & Recreation	Director of Community Development
City Physician	Housing Authority Director
City Attorney	

The persons holding these positions shall be heads of their respective departments.

(2) Department heads shall be appointed by the Mayor with consent of a majority of the Council, and may be removed in the same manner; provided however, the Museum Director, Library Director and Housing Authority Director shall be appointed and removed by their respective boards; and further provided that the appointment, tenure, and removal of the Fire Chief and Police Chief shall be subject to the provisions of Nebraska statutes.

(3) The compensation of department heads shall be determined by the City Council by resolution at the last regular Council meeting in September of each year.  
(Ord. No. 3698-7/99)

### 2-502. City administrator.

A City Administrator may be appointed by the Mayor with the approval of a majority vote of the City Council members and may be removed at any time by the Mayor with the approval of a majority vote of the City Council members or by a two-thirds (2/3) vote of all the City Council members without the Mayor's approval. The person appointed shall hold office until the end of the Mayor's term of office and until a successor is appointed and qualified, unless sooner removed as provided by statute, or by repeal of this ordinance.

(Code 1973, 2-90; Ord. No. 2918)

### 2-503. Duties, responsibilities and powers of city administrator.

The duties, responsibilities and powers of the City Administrator shall be as follows:

(1) To administer, supervise, be responsible for and coordinate all departments, divisions and services of the City government which are under the control and jurisdiction of the Mayor and City Council as provided by law; Provided, however, Hastings Utilities, the Library, the Museum, the Housing Authority, and the Planning Commission, shall not come under the administration and supervision or be the responsibility of the Administrator.

(2) To prepare and keep up to date an inventory of all real and personal property and other public property including any real property owned by the City for airport purposes; and, subject to the approval of the Mayor and City Council, to coordinate and organize the purchasing policies for the purchase of all supplies, goods, wares, merchandise, equipment and materials which may be required for the various departments divisions and services of the City excluding Hastings Utilities, the Library, the Museum, the Housing Authority, and the Planning Commission.

(3) To exercise general supervision over all real and personal property and other public property under the control and jurisdiction of the Mayor and City Council.

(4) To keep the Mayor and City Council fully advised as to the financial condition and needs of the City; to be responsible for and prepare the annual estimate of expenditures for presentation to the Mayor prior to the time for the passage and adoption by the City Council of the annual appropriation ordinance; and upon the adoption of such ordinance to properly administer and execute the same.

(5) To serve as public relations officer of the City government; to endeavor to investigate and adjust all complaints made or filed against the City government or against any department, division, service, officer, or employee thereof; and to cooperate with all community organizations whose aim and purpose is to

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advance the best interests of the City and its citizens.

(6) To analyze the functions, activities, duties and responsibilities of the various departments, divisions and services of the City government and of all officers and employees thereof and to make recommendations respecting the same to the Mayor and City Council or designated Committee Chairperson, and to administer any recommendations made by the Mayor and City Council respecting such functions, activities, duties and responsibilities.

(7) To recommend to the Mayor and Council the appointment and dismissal of all department heads over which he exercises jurisdiction. Appointment or dismissal of department heads will be made upon the recommendation of the Mayor and confirmation by the Council.

(8) To make recommendations to the Mayor and City Council regarding the activities and duties of any employee of the City, including the promotion, demotion, and suspension or discharge of such employee, and to prepare and recommend to the Mayor and City Council a class specification and compensation plan on all employees including, if necessary, the taking of wage and benefit comparability surveys.

(9) To submit to the Mayor and City Council at the end of each fiscal year a complete report respecting the finances and administrative activities of the City for the preceding fiscal year which report shall include recommended short and long range improvements and any necessary facts to substantiate such recommendations.

(10) To attend all regularly scheduled meetings of the City Council and such other meetings of the City Council and City departments, divisions, services, boards, commissions, committees and officers as the Administrator's duties may require; to report at such meetings any matter concerning City affairs within the jurisdiction and under the control of the Administrator; and to recommend to the Mayor and City Council passage and adoption of such measures, resolutions and ordinances as may be deemed necessary or expedient.

(11) To perform such other duties and exercise such other powers as may be delegated to the Administrator from time to time by the Mayor, or by ordinance, resolution, or motion; and to delegate any duty, responsibility or power set forth herein upon approval of the Mayor, or of the City Council by proper ordinance, resolution, or motion.

(12) To obtain for the City information concerning federal and state funds which may be utilized by the City; to identify needs which may qualify for such funds; and to do all things necessary to obtain such funds if directed to do so by the Mayor and City Council.

(Code 1973, 2-91; Ord. No. 2918)

### **2-504. Political activity prohibited.**

The City Administrator and all personnel working directly for the Office of the Administrator shall not participate in any local election that affects any City office, except for the casting of an individual ballot.

(Code 1973, 2-92; Ord. No. 2918)

### **2-505. Communication.**

The Mayor and members of the Council reserve the right to make inquiries of City personnel relative to City activities. The Mayor and members of the City Council shall deal with the administrative services through the office of the City Administrator, and any direction to municipal officials shall be given through the office of the City Administrator. The Mayor and members of the City Council may require reports from the office of the City Administrator on any municipal activity. The City Administrator shall deal with the Mayor and Council as a body on all City affairs. Any and all reports and communications shall go to the Mayor and all members of the Council. Nothing herein contained shall abridge the right of any department head to contact the Mayor on any City matter pertaining to his department.

(Code 1973, 2-94; Ord. No. 2918)

### **2-506. City Clerk -- Possession of records.**

The city clerk, after being qualified and sworn, shall take possession of all books, papers and other property in the nature of records belonging to the city and to his office.

(Code 1973, 2-32)

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### **2-507. Clerical assistants; deputy city clerk.**

The mayor and city council shall provide the city clerk with a deputy city clerk and necessary clerical assistants.

The city clerk shall appoint, subject to the approval of the council, a stenographic assistant. The city clerk shall likewise appoint a competent and experienced person to keep the books of account of the office, to audit claims filed and to perform all other duties incident to city budget control, under the general direction and supervision of the city clerk. The deputy city clerk so appointed, in the absence of the city clerk, in the case of sickness or otherwise, shall be empowered to perform all the duties of the city clerk.

(Code 1973, 2-33)

### **2-508. City clerk; duties generally.**

The city clerk shall, in addition to the duties imposed upon him by general law, perform such duties as may be imposed by this Code or other ordinance, including the following: Attend the meetings of the council and keep a correct journal of the proceedings thereof; keep a record of all outstanding bonds against the city, and when any bonds are sold, purchased, paid or cancelled, the record shall show the fact; keep an account of the appropriation of the several funds, draw, sign and attest all checks ordered for the payment of money on the particular funds from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of the checks drawn thereon; issue all licenses, permits and occupation tax receipts authorized by law; he 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; with the seal of the city, duly attest thereby the mayor's signature to all ordinances and all deeds and papers required to be attested, when ordered by the mayor and the council, and all orders for money or warrants for the payment of money, and enter the same in numerical order in the book to be kept for that purpose; collect all occupation tax and license money except where some other city officer is specifically charged with such duty; keep a register of all licenses granted in the city and the purpose for which they are issued, and report in detail concerning the same in writing to the council at every meeting and at the beginning of each month, shall, if required by the police department, furnish them a true copy of the register of all licenses and permits then in force.

Within thirty days after any meeting of the council, the city clerk shall prepare and publish the proceedings of the council in a legal newspaper, designated by the mayor and council, or more than one legal newspaper if directed by the council, within the county; provided, that the charge for such publication shall not exceed one-third of the legal rate; and provided further, council proceedings shall not be published until after they have been approved by the action or acquiescence of the council; and provided further, the clerk's minute record shall be prepared in duplicate original, one for the permanent council proceeding minutes and the other for the legal newspaper in which the same is to be published; and the mayor's approval in writing shall appear on printer's copy before same shall be published. Such publication charge shall be paid and allowed as other claims against the general fund.

The city clerk shall in January of each year, and at such other times when request shall be made, receive applications for license to sell cigars, tobacco, cigarettes and cigarette materials.

When the claim of any person against the city is disallowed in whole or in part, the city clerk shall notify such claimant, his agent or attorney, by letter within five days after such disallowance; and the city clerk shall prepare transcripts on appeals on disallowance of claims in proper cases. He shall see that all claims except claims of officers' salaries and interest on the public debts are properly verified before they are referred to the council for consideration.

The city clerk shall procure a copy of the decree in any disconnection suit whereby the corporate limits of the city are affected.

The city clerk shall file all official bonds after the same shall have been properly executed and approved; and he shall also make the proper certificate of passage which shall be attached to original copies of all ordinances, hereafter enacted by the council.

The city clerk shall receive all objections to creation of paving districts and other street improvements.

Monthly reports of the city treasurer shall be filed with the city clerk. He shall make and present to the mayor and council monthly reports of the doings of his office. The city clerk shall make a monthly detailed report in writing to the mayor and council at the first regular meeting in each month following month end showing receipts and disbursements for the preceding month.

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The city clerk shall perform all duties relative to the certification of poll tax as provided by law. The city clerk shall turn over all money coming into his hands, the property of the city, promptly to the city treasurer on forms prescribed by the treasurer.

The city clerk shall permit no records, public papers or other documents of the city, kept and preserved in his office, to be taken therefrom, except by such officers of the city as may be entitled to the use of the same, and then only upon their leaving a receipt therefor. The city clerk shall procure at the expense of the city, a blank book, properly indexed, in which he shall keep printed copies of all ordinances of the city hereafter passed, with the printer's affidavit of publication thereto attached; and he shall index such ordinances under their respective heads or titles; and he shall also copy all ordinances hereafter passed by the council in a book kept for that purpose and insert in the book, together with the ordinance copy, the original thereof, signed, sealed and certified by him as provided by law. For furnishing certified copies of any record in his office, he may charge such fee as the council shall direct. He shall also provide a blank book with proper index in which he shall keep a copy of all notices required to be published or posted by the clerk by order of the council or under the general ordinances of the city, to which notices shall be attached the printer's affidavit of publication, if such notices are required to be published, or the clerk's certificate under seal where the same are required to be posted only. He shall keep a record of all licenses issued by him in a blank book with proper index. In a suitable book he shall record all petitions under which the council shall order public work to be done at the expense of the property fronting thereon, together with reference to all resolutions and ordinances relating to the same. He shall affix the corporate seal to all documents requiring the same. He shall keep all books and papers pertaining to his office conveniently accessible to inspection of any member of the council, city official or of any citizen or taxpayer within his office hours. He shall, without unnecessary delay, deliver all warrants, ordinances or resolutions under his charge to the mayor for signature; and likewise shall deliver to officers or employees of the city and committees of the council, all resolutions and communications referred to the officers, employees or committees by that body. The city clerk shall endorse the date of filing upon every paper or document filed in his office. All filings made with him shall be properly docketed; and all books of record kept by him shall be fully and properly indexed. He shall keep all standard codes, and amendments thereto, incorporated by reference in a separate file arranged in a manner convenient for reference. Upon resolution of the mayor and council, the city clerk, with approval of the city attorney, shall from time to time be authorized to destroy obsolete files and other records of the city in his custody and control.

(Code 1973, 2-34)

Reference: Neb. Rev. Stat. Section 16-317.

### **2-509. City treasurer; bond.**

The city treasurer shall give bond before entering upon the duties of his office in the amount of \$150,000.00. The premium on the bond shall be paid by the city.

(Code 1973, 2-39)

Reference: Neb. Rev. Stat. Section 16-318.

### **2-510. City treasurer; procedure for handling funds.**

The city treasurer shall be the custodian of all money belonging to the city; he shall keep all money in his hands belonging to the city separate and distinct from his own money; he shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto; he shall issue triplicate receipts for all money received by him for the city; he shall give every person paying money into the treasury, a receipt therefor, specifying date of payment and on what account paid; he shall file one of the triplicate receipts with the accounting department and shall retain one of the triplicate receipts in the files of his office.

(Code 1973, 2-40)

### **2-511. City treasurer; rendering of accounts.**

The city treasurer shall, after the end of each and every month, and when requested at other times, render an account to the mayor and council under oath, showing the state of the treasury 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 shall also review statements of revenues and disbursements as issued by the city clerk's office and as reported to the mayor and council and shall produce and show all funds shown by such report to be on hand, or furnish depository evidence that the same is in a solvent and going bank or banks of the city, to the credit of the treasurer of the city.

(Code 1973, 2-41)

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### **2-512. City treasurer; duties generally.**

The city treasurer shall keep a daily cash book, which shall be footed and balanced daily; and he shall adopt such bookkeeping methods as the council shall prescribe. His books and accounts shall always be open to inspection by the mayor, members of the council and such other persons as they may designate. He shall manage all custodial funds. He shall pay all overdue bonds, and the council's order therefor shall not be required. He shall cancel all bonds, coupons, warrants and other evidences of debt against the city, whenever paid by him by writing or stamping across the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He shall pay all checks properly drawn. He shall collect all special taxes, allocate special assessments to the several owners and shall obtain from the county treasurer monthly reports as to the collection of delinquent taxes. (Code 1973, 2-42)

### **2-513. Deputy treasurer.**

The office of deputy treasurer is hereby created. The deputy treasurer shall perform all the duties of the city treasurer and his powers shall be co-extensive with those of the city treasurer. The deputy treasurer shall be appointed by the city treasurer subject to the Civil Service Code of this city, and shall hold office during his good behavior. The deputy city treasurer shall, before performing the duties of such office, take oath and furnish bond in the amount of the city treasurer's bond. (Code 1973, 2-43; Ord. No. 2307)

### **2-514. Department of engineering and inspection.**

There is hereby established in the city, the department of engineering and inspection. The department of engineering and inspection shall be under the general charge and direction of the city engineer. (Code 1973, 2-1; Ord. No. 1873)

### **2-515. City engineer -- Duties generally.**

The City Engineer shall make a record of the minutes of his surveys and of all work done for the City, including sewers, extensions of water system and heating system, electric light and sewerage system and power plant. He shall accurately make all such plats, sections, profiles and maps as may be necessary in any work for the City. He shall upon request of the Mayor and Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City, and make all surveys, estimates and calculations necessary for the establishments of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the City, and file the same with the City Clerk. All records of the City Engineer shall be public records, shall belong to the City and shall be turned over to his successor. He shall inspect all works of public improvement, and, if found to be properly done, shall accept the same and forthwith report his acceptance to the Council. The City Engineer shall estimate the cost of all proposed municipal utilities and public improvements, together with any extensions thereof, which the Council proposes to construct or improve. The Mayor and Council whenever they deem it expedient, may employ a special Engineer to make or assist in making any particular estimate or survey. He shall keep an indexed record of all building permits or other permits issued through his office, showing the date of issuing same, to whom issued, and the amount paid for same. (Code 1973, 2-21; Ord. Nos. 2338, 2814 and 3440-12/94)

Reference: Neb. Rev. Stat. Sections 16-308, 16-320 and 16-321.

### **2-516. City engineer; supervision and control of inspectors.**

The city engineer shall have the general supervision and control of the building inspector, the plumbing inspector, the electrical inspector and the gas inspector, and such assistant inspectors as there may be. The city engineer shall make the final decision on the employment of any applicant for the office of inspector. All of the inspectors and assistant inspectors shall perform their duties under the general supervision and control of the city engineer. (Code 1973, 2-22; Ord. No. 1873)

### **2-517. City engineer; enforcement of this Code and other ordinances.**

The city engineer through the inspectors and assistant inspectors shall have the duty of enforcing this Code and all ordinances of the city in reference to the construction of buildings, alteration of buildings, moving of buildings, installation of water, sewerage, gas or electrical services and other services or appliances as prescribed in this Code within the city and the area two miles beyond and adjacent to the

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corporate limits.  
(Code 1973, 2-23; Ord. No. 1873)

### **2-518. City engineer; qualifications.**

The person appointed and confirmed as city engineer shall be licensed as a professional engineer in the state. (Code 1973, 2-24)

### **2-519. City engineer; street commissioner.**

(1) The city engineer, acting as the street commissioner, or his delegate shall be subject to the orders of the mayor and city council, and, shall have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the city, except such matters as may hereafter be delegated to the board of public works, and shall perform such other duties as the council may require.

(2) As sidewalk inspector he shall have general control of all sidewalks and sidewalk space in the city. It shall be his duty to see that sidewalks and sidewalk spaces are not unlawfully occupied; and he shall report all obstructions thereon and unlawful use of the same to the mayor and council. He shall have authority to go upon any private property and to enter any areaways under sidewalks at reasonable hours. He shall serve all notices pertaining to sidewalks, crossings and alleys and shall keep in a suitable book an accurate record of each notice so served with the time and manner of such service. He shall likewise keep a record of all sidewalks ordered built.

### **2-520. Director of public services.**

There is hereby created the office of Director of Public Services who shall be appointed by the Mayor and confirmed by a majority vote of all the city council members. He shall hold office until resignation, or until the end of the Mayor's term of office and until his successor is appointed and confirmed, unless sooner removed by a majority vote of all the city council members; or until the ordinance creating his office shall be repealed.

(Code 1973, 2-82; Ord. No. 2571)

### **2-521. Director of public services; duties.**

The Director of Public Services shall perform the functions of the city engineer in the absence of an appointee to the office of city engineer except those tasks which require registration as a professional engineer; shall supervise the design, construction and maintenance of streets, alleys, parks and other public works structures; shall plan, supervise and review the activities of personnel engaged in carrying out various public works projects, including street construction, repair and cleaning; shall enforce the building and zoning codes and ordinances; shall review plans, technical engineering reports, budget estimates, and proposed ordinances and regulations; shall participate in the design of street improvement districts, storm sewer systems, and other municipal public works projects; and shall perform all other duties as directed by the mayor or the city council.

(Code 1973, 2-83; Ord. No. 2571)

### **2-522. Director of environmental health; appointment; assistants.**

There is hereby created the office of Director or Environmental Health, which position shall be appointed by the mayor. The Director of Environmental Health shall have at least five years' experience in the field of public health or have a college education which, in the opinion of the city council, is equivalent to such five years' experience. The mayor and council shall provide the Director with at least one assistant at such rate of pay as may be fixed at the time of his employment.

(Code 1973, 2-35)

### **2-523. Director of environmental health; powers and duties.**

It shall be the duty of the Director to carry out all existing laws and ordinances having for their object the preservation of life, the prevention of disease and the abatement and removal of nuisances and all orders relating thereto. He shall perform such other services as the city council may impose by ordinance, or the board of health may lawfully require of him.

The Director shall receive applications and issue permits as required by this Code relating to the production, processing and distribution of milk; he shall receive applications and issue permits for the disposition of garbage, rubbish, trash and waste; provided, that the council has not entered into an overall

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contract with any person for the disposition of such material; he shall receive applications and issue permits for the operation of restaurants; he shall make, or cause to be made, all inspections contemplated by the terms of this Code to the end that the provisions thereof are observed in the interest of the public health and the promotion of wholesome sanitary conditions in the city.

The Director shall enforce the provisions of this Code pertaining to his department, and, in so doing, may at any time call upon the chief of police or any policeman to assist him; and when so called upon the chief of police shall make, or cause to be made, the proper complaint in court against persons for violation of any provision of this Code.

The Director shall be an advisor of the board of health. He, at all times, shall exercise special care in regard to the sanitary conditions of the city and its inhabitants. He shall, upon request, give counsel and advice upon sanitary matters. For the purpose of making examinations of the sanitary conditions of the property and the health or disease of the occupants thereof, he, or any deputy inspector shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the city.

(Code 1973, 2-36)

### **2-524. Emergency health action.**

Whenever the Director of Environmental Health finds that an emergency exists that requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any of the provisions of this chapter, such orders shall be effective immediately.

(Code 1973, 2-37; Ord. No. 1703)

### **2-525. Reports and recommendations.**

The Director of Environmental Health shall make a report in writing to the mayor and council at their first regular meeting in each month covering the activities of his office during the preceding month. He shall also make an annual report in writing to the mayor and council at its first regular meeting in April of each year, and, therein shall recommend and set forth any suggestions or regulations for the council's action which will tend to improve and safeguard the health of the inhabitants of this city.

(Code 1973, 2-38)

### **2-526. City physician -- Duties.**

The city physician shall be a member of the board of health and his duties shall be as follows:

(1) Medical advisor to the board.

(2) In all cases of injury to any person where liability may be asserted against the city, to investigate such injury and the circumstances thereof and to report the same in writing to the city attorney; and to counsel and advise the city attorney in all medical matters relating to such injury.

(3) To make sanitary inspections as he may deem necessary, at all times exercising special care in regard to the sanitary conditions of the city and its inhabitants.

(4) To counsel and advise the Director of Environmental Health and all officers of the city upon all matters affecting the health of the city.

(Code 1973, 2-16)

### **2-527. Compensation and duties of city attorney.**

The city attorney shall attend all meetings of the mayor and city council and shall, upon request, advise the mayor and council or any officer in all matters of law in which the interest of the city may be involved. He shall draw such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the city. He shall examine all bonds, contracts and documents on which the mayor and council will be required to act and attach thereto a brief statement in writing whether or not the document is in legal and proper form. He shall commence, prosecute and defend all actions necessary to be commenced, prosecuted or defended on behalf of the city, or that may be ordered by the council. He shall prepare complaints, attend and prosecute violations of the ordinances of the city when directed to do so by the mayor and without direction shall appear and prosecute all cases for violation of the ordinances of the

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city that have been appealed to and are pending in the district court. The board of public works shall have the right to pay the city attorney from funds disbursed under its orders compensation in addition to his regular salary and reimbursement for expenses for legal services performed for it by him. The compensation and reimbursement for expenses to be paid to special counsel employed to represent the city shall be fixed by the council at the time the employment of special counsel is authorized by the council. (Code 1973, 2-19; Ord. No. 1866)

Reference: Neb. Rev. Stat. Sections 16-308 and 16-319.

### **2-528. Director of parks and recreation -- Duties generally.**

The Director of Parks and Recreation shall be in charge and shall have the direction and control of the work, maintenance, and operation of all City parks, cemeteries, and the City auditorium. It shall be the duty of the Director of Parks and Recreation to control, improve, beautify, and maintain the parks owned or controlled by the City for park purposes in the best interests of public welfare and consistent with direction from the City Council. The Director of Parks and Recreation shall be the administrative head of all park, cemetery, and auditorium operations within the City and shall devote himself to the management and care of the City parks, cemeteries, and auditorium for the public good to the extent that funds are available for such purposes. In that capacity the Director of Parks and Recreation shall employ such personnel as is necessary to carry out the objectives within the limitation of funds made available to his Department by the Council. The Director of Parks and Recreation shall have the authority to protect the parks, cemeteries, and auditorium from acts of vandalism, malicious mischief, destruction, littering and all other improper uses of those properties which are inconsistent with the public interest. The Director of Parks and Recreation shall perform such other duties in the line of his work as may be requested or required by the Mayor and Council.

(Ord. No. 2814)

## **Article VI. Agencies, Authorities and Commissions.**

### **2-601. Planning commission; composition; appointment.**

The city planning commission shall consist of nine members and may have one alternate member, who shall represent, insofar as possible, different professions or occupations in the city and who shall be appointed by the mayor by and with the approval of a three-fourths vote of the city council. Two members may be residents of the area over which the municipality is authorized to exercise zoning and subdivision regulations. All members of the commission shall serve without compensation and shall hold no other municipal office. The mayor may appoint such additional ex-officio members of the commission as he in his discretion, may deem desirable, but such appointments shall be with the approval of a three-fourths vote of the city council.

(Code 1973, 2-61; Ord. No. 1707 and 4008-3/2005)

### **2-602. Term of office; removal; filling vacancies in office.**

The term of each appointed member of the planning commission shall be three years; except, that three members of the first commission appointed shall serve for the term of one year, three for the term of two years and three for the term of three years. All members shall hold office until their successors are appointed. All members of the commission may, after a public hearing before the city council, be removed by the mayor by and with the consent of the city council for inefficiency, neglect of duty, malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the mayor by and with the approval of the city council.

(Code 1973, 2-62; Ord. No. 1707)

### **2-603. Chairman; officers; meetings; quorum; rules and regulations; records.**

The city planning and zoning commission shall elect its chairman from its members and shall create and fill such other of its offices as it may determine. The term of the chairman shall be one year and until his successor shall have been elected and qualified. The chairman shall be eligible for reelection. The term of the other officers and their eligibility or noneligibility for reelection shall be determined and fixed by the commission. The commission shall hold at least one regular meeting in each month at such time and place as may be fixed by the commission. Special meetings of the commission may be called by the chairman, or in his absence by such other officer as may be designated by the commission, or by any three of the appointed members of the commission. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

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(Code 1973, 2-63; Ord. No. 1707)

### **2-604. Director of city planning.**

There may be a director of city planning, also known as the planning director, who shall be appointed by the mayor by and with the approval of the city council and who shall be qualified by special training and experience in the field of city planning. If a director of city planning is appointed he shall be the regular technical advisor of the commission; he may also be designated its executive secretary and shall have such other authority, duties and responsibilities under the direction and control of the city council as it may require and establish.

(Code 1973, 2-64; Ord. No. 1707)

### **2-605. Functions and duties.**

(1) The planning commission shall make and adopt, and recommend to the city council, plans and maps for the physical development of the whole or any portion of the city, including any areas outside its boundaries which, in the judgment of the commission, bear relation to the planning of the city, and make and recommend to the city council changes in and additions to such plans or maps when in the judgment of the commission, changes or additions are advisable, and recommend or disapprove proposed changes in or additions to such plans or maps. Such plans and maps and accompanying plats, charts, descriptive and explanatory matters shall show the commission's recommendations as to the location, character and extent of any streets, alleys, bridges, waterways, viaducts, subways and other public ways, parkways, parks, playgrounds and other public grounds and spaces or public improvements, the location of public buildings and other public property, the location of public utilities, whether publicly or privately owned, the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities and such other subjects and matters as the commission shall deem necessary or advisable. Whenever the commission shall have agreed upon a plan for the physical development of the city or some portion thereof, such plans shall be submitted to the city council for its consideration and action.

(2) The planning commission shall review all areas outside the city's corporate limits to determine if they are eligible to be considered for annexation into the city by the city council. The planning commission shall conduct at least one public hearing on area(s) to be proposed for annexation into the city. The commission shall be provided any assistance it deems necessary from any city department, the city administrator and the city attorney in a timely manner so as to comply with the time requirements set forth herein.

(3) The city planning commission shall review all county industrial areas which are located within the city's two-mile zoning jurisdiction, and make a recommendation to the mayor and city council of whether they should request review of any of the county industrial areas by the county board.

(4) All plats or replats of land, except administrative replats as described in Hastings City Code Section 38-107, shall be submitted to the city planning commission for its consideration, and its recommendation shall be submitted to the city council for its official consideration and action. No such plat or replat shall be filed with the register of deeds, as provided by law, until such plat or replat shall have endorsed thereon the fact that it has been first submitted to the commission and by the commission to the city council and duly approved by the council.

(Code 1973, 2-65; Ord. No. 1707, 3104-11/88 and 3676-3/99)

### **2-606. Time requirements.**

(1) The planning commission shall review areas eligible for annexation whenever requested by the Hastings City Council. Additionally, the planning commission shall conduct such reviews every three years. The first such review shall begin in July, 2002, and the commission's recommendations shall be sent to the mayor and council no later than the first regular city council meeting in February of the following year. In the event the commission has not completed its work prior to said February meeting date, the commission shall request a time extension to complete its work. Request for a time extension shall include the reasons for the request and the date at which time the commission's review and recommendation will be completed.

(2) The planning commission review of county industrial areas shall be conducted every two years, and submitted to the city council by no later than the first regular city council meeting in February in each even numbered year.

(3) All other matters presented to the planning commission for review shall be submitted to the city council within 90 days after each such matter is first filed with the office of the planning director. The time for

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application review may be extended at the request of the applicant, or it may be extended by the planning commission or the planning director with the approval of the applicant or the applicant's representative. (Code 1973, 2-66; Ord. No. 1707 and 3676-3/99)

### **2-607. Repealed. Ord. 3676-3/99.**

### **2-608. Funds, equipment, etc.; expenditures generally.**

The city council may provide funds, equipment and accommodations necessary for the work of the city planning commission but the expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council and no expenditure nor agreements for expenditures shall be valid in excess of such amounts.

(Code 1973, 2-69; Ord. No. 1707)

### **2-609. Estimate of expenditures.**

The city planning commission shall, on or before the first day of June of each year, or as directed by the council, prepare and file with the city clerk an estimate of the expenditures of the commission for the ensuing fiscal year, itemizing the expenses, the amounts and the purpose.

(Code 1973, 2-70; Ord. No. 1707)

### **2-610. Deposit and handling of funds.**

All money appropriated by the city council for the use of the city planning commission and all money received from any other source for the use and benefit of the city planning commission shall be deposited with the city treasurer in the general fund and shall be kept by the city treasurer and shall be paid out upon claims recommended by the commission and duly approved by the city council.

(Code 1973, 2-71; Ord. No. 1707)

### **2-612. Community development agency.**

The Community Development Agency shall be a department of government of the City of Hastings, Nebraska. The Community Development Agency is authorized to exercise all the powers granted under 18-2101 through 18-2144, and further to do all things necessary to obtain financial assistance and support from the federal or state government.

(Code 1973, 2-86; Ord. No. 2587)

### **2-613. Director of community development.**

There is hereby created the office of Director of Community Development who shall be appointed by the Mayor and confirmed by a majority vote of all the City Council members. He shall hold office until resignation; or until the end of the Mayor's term of office and until his successor is appointed and confirmed, unless sooner removed by a majority vote of all the City Council members; or until the ordinance creating his office shall be repealed.

(Code 1973, 2-87; Ord. No. 2587)

### **2-614. Duties; custody of documents; salary.**

(1) The Director of Community Development shall:

(a) Prepare and file applications to the state and federal governments for grants and loans for Community and Economic Development, and other activities.

(b) Coordinate activities with other departments for accomplishing goals and objectives of the comprehensive plan.

(c) Manage a Rehabilitation Program financed from state and federal funds.

(d) Manage an Acquisition and Relocation program.

(e) Coordinate and administer the development of park lands bought with state or federal funds.

(f) Develop facilities such as fire stations, neighborhood centers and community facilities utilizing federal or state funds.

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(g) Be responsible for all real and personal property bought with community development funds.

(h) Supervise the demolition of properties acquired by the City of Hastings as necessary.

(i) Coordinate with the Area Planning and Zoning Commission in determining a workable plan for housing and all other activities associated with Housing and Community Development.

(j) Perform duties as from time to time are designated by the Mayor and City Council.

(2) The Director of Community Development shall keep his office in the rooms provided by the City, which shall be kept open to the public during usual business hours. He shall have charge and control of all the necessary public maps, charts, graphs, plans, books, documents, and other records pertaining to his office, which shall be carefully preserved at or near the Director's office.

(3) The salary and benefits paid to the Director of Community Development shall be determined from time to time by a majority of the City Council.  
(Code 1973, 2-88; Ord. No. 2587)

### **2-615. Advisory committee.**

There is hereby established a Community Development Advisory Board which shall advise the Director of the Community Development Agency on proposed programs and the operation of said agency. The Advisory Committee shall be composed of five (5) members and one (1) alternate appointed by the Mayor and confirmed by majority vote of the City Council. Members of said committee and the alternate shall each serve a term of five (5) years, as designated by the Mayor. The Advisory Committee shall elect one (1) of its members as chairman, and another as vice chairman, and the Director of Community Development shall serve as ex officio secretary to the committee. Meetings shall be held as needed pursuant to a call by the Director or the chairman and any two (2) members.  
(Code 1973, 2-89; Ord. No. 2587 and 3492-8/95)

### **2-616. Planning and community development; consolidation.**

The Mayor may, with the approval of the City Council, assign the responsibilities of Director of Community Development to the City Planning Director, which action shall, in effect, consolidate the Department of Planning with that of Community Development for so long as one individual is assigned the responsibilities of both departments.

### **2-617. Housing authority.**

The Housing Authority of the City of Hastings, Nebraska, shall constitute a public corporation which exists for the purposes, and shall have the powers set forth in Neb. Rev. Stat. §71-1572 et seq. The powers of the Housing Authority shall be vested in at least five and not more than seven commissioners, who shall be appointed by the Mayor, with the approval of the City Council. The commissioners shall be appointed to terms of five years.  
(Ord. No. 4007-3/2005)

### **2-618. Housing authority; executive director.**

The Housing Authority shall have the authority to employ an Executive Director, who shall serve as ex officio secretary of the Housing Authority.

### **2-619. Community redevelopment authority; composition; quorum; rules.**

Five persons, all of whom shall be residents of the City of Hastings, shall constitute the Authority. The five members shall be selected by the Mayor and approved by the City Council. The Mayor shall designate the term of office for each member, as provided in Neb. Rev. Stat. 18-2102.01. The Authority shall select one of its members as Chairman and one as Vice Chairman. A total of four members of the Authority shall constitute a quorum for the transaction of business. The Authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be made available for public inspection during regular business hours.  
(Ord. No. 3012-3/87 and 3096-10/88)

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### **2-620. Same - Director and ex officio secretary.**

The Authority shall select a person to serve as the Director and Ex Officio Secretary of the Community Redevelopment Authority, and that person shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in Neb. Rev. Stat. 18-2102.01 et seq. (Ord. No. 3012-3/87 and 3096-10/88)

### **2-621. Same - Ex officio treasurer; handling of funds.**

All income, revenue, profits, and other funds received by the Authority shall be deposited with the City Treasurer as Ex Officio Treasurer of such Authority without commingling such money with any other money under her control and disbursed by her by check or draft only upon warrants, orders, or requisitions by the Chairman of the Authority or other person authorized by the Authority, which shall state distinctly the purpose for which the same are drawn; and a permanent record shall be kept by the Authority of any such activity.

(Ord. No. 3012-3/87)

### **2-622. Mayor's Youth Council; composition; appointment.**

The Mayor's Youth Council shall consist of up to twenty-two members. Each member shall be appointed by the Mayor by and with the approval of a three-fourths vote of the City Council. The Mayor may appoint such additional ex-officio members of the Mayor's Youth Council as he in his discretion may deem desirable, but such appointments shall be with the approval of a three-fourths vote of the City Council.

(Ord. No. 4029-6/2005 and 4152-11/2007)

### **2-623. Term of office; eligibility for appointment; code of conduct; removal; filling vacancies in office.**

Each member shall serve a one year term. A member may be appointed to up to two consecutive terms. Each member shall be a junior or senior in high school. No member may use or possess, alcohol, tobacco or an illegal substance. No member may violate any provision or rule established by the Mayor's Youth Council. Any member that is expelled from school, drops out of school, possesses or uses alcohol, tobacco or an illegal substance, or materially violates any other provision or rule of the Mayor's Youth Council may be removed from office. Removal from office shall be done by recommendation of the Mayor and approval of three-fourths of the City Council. Vacancies in office shall be filled in the same manner as the appointments in Hastings City Code 2-622.

(Ord. No. 4029-6/2005)

### **2-624. Officers; meetings; quorum; voting; rules and regulations; records.**

At the first meeting, and on an annual basis thereafter, each school's representatives shall elect one president and one vice president/secretary. Each shall serve a minimum of one year term in said office. There shall be up to two meetings, but not less than one meeting per month, which shall take place at such a time and place as determined by a majority vote of the presidents. All meetings shall be advertised and open to the public, and in compliance with the open meetings laws of the State of Nebraska. Eight members shall constitute a quorum. Each high school shall have up to five voting representatives on the Council for any given meeting. The members eligible to vote at any meeting shall be determined by the representatives from each school, prior to each meeting. The Mayor's Youth Council shall develop a set of rules and regulations, as may be amended from time to time by a majority vote of the members present at any meeting. However, all twenty-two members of the Council are allowed to vote on the adoption of the initial set of rules and regulations. The method of designating the voting members for each meeting shall be addressed in the rules and regulations developed by the Mayor's Youth Council. Records of the Mayor's Youth Council, including minutes of all meetings, shall be kept by the City Clerk, and open to inspection by the public.

(Ord. No. 4029-6/2005)

## **Article VII. Hastings Municipal Airport Advisory Board.**

Reference: Neb. Rev. Stat. Section 3-501 et seq.

### **2-701. Hastings Municipal Airport Advisory Board; created.**

The Hastings Municipal Airport Advisory Board is hereby created, to assist the City of Hastings in the development of the airport. The Board shall take no official action in the operation of the airport, and is solely a body to work with the Airport Manager, and the aeronautic community, and provide

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recommendations to the City Council.  
(Code 1973, 2-50; Ord. No. 2287, 3965-8/2004 and 4151-10/2007)

### **2-702. Board members; terms of service.**

(1) The Airport Advisory Board (the Board) shall consist of three members.

(a) At least one member shall be a licensed pilot.

(b) At least one member shall not have a pilot's license.

(c) One member shall be a sitting member of the Hastings City Council.

(d) All three members must live within the corporate limits of the City of Hastings.

(2) Appointment and terms of service.

(a) The Mayor, with the approval of the Council, shall appoint the Board Members.

(b) Of the three appointments, one shall be for one year, one shall be for two years and one shall be for three years. All subsequent appointments shall be for four year terms.

(c) Members may be removed by a majority vote of the City Council.

(d) Vacancies shall be filled in the same manner as appointments, except that the individual appointed to fill the vacancy shall serve only the remaining term of the predecessor and not a new four year term. That individual may then be reappointed to successive terms after filling the vacancy.  
(Code 1973, 2-51; Ord. No. 2287, 3965-8/2004, 4102-9/2006 and 4151-10/2007)

### **2-703. Meetings.**

(1) The Board shall meet when necessary, as determined by the Mayor, City Administrator or City Engineer, and at a time, date and location to be determined by the City Administrator. The meetings shall be held in accordance with the Public Meetings requirements as set out in Neb. Rev. Stat. § 84-1408 et. seq.

(2) By the 1<sup>st</sup> of September each year, the Mayor shall appoint a Chairperson. In the event that an appointment is not made by September 1st of any year, the previously appointed individuals shall continue in that capacity until a new appointment is made for the seat.

(3) The Chairperson shall preside at all meetings for one year after being elected as such.

(4) Two members shall constitute a quorum. Without a quorum, no recommendations may be given.

(5) A motion shall be considered successful if it carries a majority of the present members.  
(Code 1973, 2-52; Ord. No. 2287, 3965-8/2004 and 4151-10/2007)

### **2-704. Responsibilities of Airport Advisory Board.**

(1) The Board shall make such recommendations as it deems necessary to the Mayor and Council. Said recommendations shall relate to community relations, the layout of the Airport, long term development, needs for expansion, requests from the aeronautical community and increasing the number of aircraft, but shall not deal with personnel or levies.

(2) The Board shall review nearby development and advise the Planning Commission and/or Mayor and Council as to any potential encroachments into airspace or airport grounds that may be a violation of an FAA regulation.

(3) The Board shall act as a sounding board for system and facility enhancement, community relations and requests of the aeronautical community.  
(Code 1973, 2-53; Ord. No. 2287, 3965-8/2004 and 4151-10/2007)

**2-705. Repealed. (Ord. No. 3965-8/2004)**

**2-706. Repealed. (Ord. No. 3965-8-2004)**

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### **Article VIII. Board of Health.**

Reference: 16-238.

#### **2-801. Board of health; created; composition; appointment; jurisdiction; clerk.**

A board of health is hereby created in and for the City, which board shall consist of five members as follows:

The mayor, who shall be chairman of the board; a physician who resides permanently in the City and who shall be medical adviser of the board; the chief of police who shall be secretary and quarantine officer; the president of the council; and one other member from the City at large who shall be appointed by the mayor with the approval of the council.

The mayor shall see that all rules and regulations of the board of health, passed pursuant to Section 2-802 shall be enforced over all places within this city and over any cemetery lying therein and used by the inhabitants of the city. The city clerk shall be clerk of such board but not a member thereof. (Code 1973, 2-56; Ord. No. 2343)

#### **2-802. Quorum; rules and regulations.**

A majority of the board of health shall constitute a quorum. The board shall enact rules and regulations to safeguard the health of the inhabitants of the City, not included in and not in conflict with any existing health ordinance, which rules and regulations, when published in book or pamphlet form and three copies thereof filed with the city clerk, and any amendments thereto, when so published and filed, are hereby incorporated by reference as a part of this article. Such rules and regulations shall treat with such subjects as commercial feed lots; interior sales barns; cattle and hog pens; quarantine regulations; sanitary conditions of streets, alleys and public places; outside privies, cesspools or water closets where permitted or allowed; disposition of dead animals; milk, milk products, meat, and all other products used, kept, sold or offered for sale as food for human consumption; sanitary regulation of barbershops, beauty parlors, soda fountains, restaurants, hotels, beer parlors or any other subject, business, place or activity affecting the public health, including dairies, milk stations, control of venereal or other social diseases and tuberculosis. (Code 1973, 2-57)

#### **2-803. Records.**

The board of health shall keep a record of all their transactions, orders, notices and of such other action taken by it, which records shall be filed with the city clerk and are hereby made public records of the City and shall be accessible to the public for inspection in the office of the city clerk at all reasonable hours. (Code 1973, 2-58)

#### **2-804. Vacancies in office.**

In the absence or disability of the medical advisor, the mayor may appoint some other physician to act in the place of such medical advisor during such absence or disability; and to the end that the board may at all times be in position to function and perform its duties, there shall be a substitute appointed for any member thereof when absent, unable or disqualified to act; and the substitute so appointed shall have the power to do each and every act as the regular member thereof while serving on the board. (Code 1973, 2-59)

#### **2-805. Adoption of state rules and regulations.**

Three copies of the rules and regulations of the department of health of the state relating to communicable disease, quarantine and schools, and for the control of venereal diseases, as revised, adopted and promulgated in pamphlet form, effective in 1970 are in the hands of the city clerk, and such rules and regulations, together with any alterations or amendments thereto, if and when three copies of such alterations are likewise filed with the city clerk, are incorporated herein by reference, insofar as the same are applicable to cities of the first class. (Code 1973, 2-60)

### **Article IX. Social Security.**

Reference: Neb. Rev. Stat. Section 68-601 et seq.

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### **2-901. "Employee" defined.**

The term "employee," as used in this article, shall mean an employee as defined by the Social Security Act, and shall include both officers and appointees of this city.  
(Code 1973, 2-73)

### **2-902. Acceptance of federal act.**

The City hereby accepts for itself and on behalf of its officials, appointees and employees, except such as are hereinafter excluded from the provisions hereof, their dependents and survivors, the provisions, benefits and protection of the Federal Old Age and Survivors Insurance System, hereinafter designated the "system," established by the title II of the Social Security Act, the same being Public Law 734 (81st Congress, 2nd Session, H.R. 6000) and to be cited as the Social Security Act Amendments of 1950.  
(Code 1973, 2-74)

### **2-903. Contracts and agreements.**

The mayor of this City is hereby authorized and directed to enter into such contracts and make such agreements and stipulations with the administrator of the system in and for the state, or such other state agency for the purpose that may hereafter be designated or created, as may be deemed necessary or expedient by the administrator, or other state agency authorized on the premises, as the case may be, or as required by general law, state or federal, or any applicable regulations of such state or federal agency, to extend the benefits and protection of such system to the eligible employees of this City, their dependents and survivors. Such contracts, agreements or stipulations shall be executed in duplicate by the mayor, attested by the signature of the clerk with the seal of the City attached thereto, one copy thereof to be filed with and become a part of the permanent records of such municipality. Such agreement shall be made retroactive to January 1, 1951 in all respects.  
(Code 1973, 2-75)

### **2-904. Employees included in benefits.**

The employees, or classes of employees, of this City eligible for participation in the social security system shall include all such employees as are not excluded from participation in the system by the provisions of Section 2-705, and are hereby determined to be within and entitled to the benefits and protection of the system.  
(Code 1973, 2-76)

### **2-905. Employees excluded from benefits.**

The following employees are hereby determined to be excluded from participation in the social security system:

(1) Any employee whose services on the effective date hereof are employed in a position which is covered by an existing municipal retirement or pension system, or authorized to be so covered by general law.

(2) Any employee with respect to any position not authorized for coverage by applicable state or federal laws or regulations of the federal administrative agency.  
(Code 1973, 2-77)

### **2-906. Withholdings authorized.**

Withholdings from the compensation of eligible employees of this City, as found and determined by Sections 2-704 and 2-705, are hereby authorized, and the City shall impose upon such employees as to services covered by this article such withholdings to be made in amounts and at such time as may be required by general law, state or federal, and applicable regulations promulgated with respect thereto by state or federal administrative agencies.  
(Code 1973, 2-78)

### **2-907. Social security fund -- Created; purpose.**

There is hereby created, and the City treasurer is hereby authorized and directed to set up an account to be known as the "social security fund," into which the withholdings authorized by Section 2-706 shall be paid; also the proceeds from the tax levy as hereinafter authorized, together with any appropriations from available funds that might be made from time to time by municipal authority for the benefit of the fund. The

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fund shall be kept segregated and shall be used for no other purposes than the provisions and obligations of this article, as herein provided to be accomplished by such fund.

(Code 1973, 2-79)

### **2-908. Same -- Disposition of money.**

The money in the social security fund shall be paid over to the tax commissioner designated by law as the administrator of the Social Security Act for the state, authorized and provided by regulations promulgated to that end by such administrator.

(Code 1973, 2-80)

### **2-909. Records.**

The City Clerk and this City shall keep such records and make such reports relevant to the administration of the Social Security Act as may be required by general law, state or federal, or as provided by regulations promulgated by either the state or federal administrator of the system.

(Code 1973, 2-81)