

## ARTICLE V - FISCAL MANAGEMENT

### SECTION 1-501: FISCAL YEAR

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (Ref. Neb. Rev. Stat. §16-701)

### SECTION 1-502: PROPOSED BUDGET STATEMENT; FILING

1. The City Council shall, not later than the first day of August of each year, on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the city clerk a proposed budget statement containing the following:

(a) For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;

(b) For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable.

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

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

(e) A uniform summary of the proposed budget statement which shall include a separate total for each fund, 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 City Council; and

(f) A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Municipal Proprietary Function Act.

2. The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the City as well as any funds held by the county treasurer for the City and shall be accurately stated on the proposed budget statement.

3. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources other than taxation shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation, as determined above, plus the estimated revenue from sources other than taxation and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year. (Ref. Neb. Rev. Stat. §13-504, 13-505)

#### SECTION 1-503: BUDGET HEARING

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

#### SECTION 1-504: ADOPTED BUDGET STATEMENT; FILING

The City Council shall file with and certify to the levying board on or before September 20th of each year, and file with the Nebraska State Auditor, a copy of the adopted budget statement, together with the amount of tax to be levied, setting out separately the amount to be levied for the payment of principal or interest on bonds issued by the City Council and the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The City Council shall not certify any tax that exceeds the maximum levy prescribed by State law, except that in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Ref. Neb. Rev. Stat. §13-508)

#### SECTION 1-505: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

1. On and after the first day of its fiscal year until the adoption of the budget by

the City Council in September, the City Council may expend any balance of cash on hand for the current expenses of the City. Except as provided in subsection 2 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.

2. The restriction on expenditures in subsection 1 of this section may be exceeded upon the express finding of the City Council that expenditures beyond the amount authorized are necessary to enable the City 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 City Council 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 City in excess of that authorized by any other statutory provision. (Ref. Neb. Rev. Stat. §13-509.01, 13-509.02)

#### SECTION 1-506: BUDGET PROCEDURE

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

#### SECTION 1-507: APPROPRIATIONS

The City Council 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 City. (Ref. Neb. Rev. Stat. §16-704)

#### SECTION 1-508: GENERAL PROPERTY TAX

The City Council shall cause to be certified to the county clerk the amount of tax to be levied upon the assessed value of all the taxable property of the City for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by state law. (Ref. Neb. Rev. Stat. §16-702)

#### SECTION 1-509: EXPENDITURES

No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money, unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the City shall exceed in any one year the amount provided

for that improvement in the adopted budget statement. (Ref. Neb. Rev. Stat. §16-706, 16-726 through 16-729)

## SECTION 1-510: CONTRACTS AND PURCHASING

### 1. Purchasing Authority.

a. Except as provided in *Neb. Rev. Stat. § 18-412.01* and as provided below, the City Council shall, before making any contract in excess of the dollar limitation imposed by state law, as estimated by the city engineer, for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, advertise for bids.

b. The city electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is: (a) \$20,000.00 or less; (b) \$40,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00; (c) \$60,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or (d) \$80,000.00 or less and the city electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

c. Except as otherwise provided in regard to emergencies, all contracts and purchases in excess of \$20,000.00 shall require City Council approval prior to inviting bids or proposals.

d. Except as otherwise provided in regard to emergencies, all non-budgeted purchases (those items with a value remaining within the budgeted amount, but not specifically set forth in the budget detail) in excess of \$5,000.00 shall require City Council approval prior to inviting bids or proposals.

e. Except as otherwise provided in regard to emergencies, budgeted purchases (those items specifically set forth in the budget detail) between the

value of \$1,001 and \$20,000.00 shall require prior written approval of the City Administrator.

f. Except as otherwise provided in regard to emergencies, all non-budgeted purchases (those items with a value remaining within the budgeted amount, but not specifically set forth in the budget detail) between the value of \$1,001 and \$5,000.00 shall require prior written approval of the City Administrator.

g. Purchases of \$1,000 or less may be approved by the Department Head. In circumstances when more strict budget controls are necessary, the City Administrator may impose more stringent spending requirements, which shall be communicated to all department heads.

## 2. Formal Contract Procedure

a. When the estimated cost of construction projects, supplies, equipment or contractual services exceeds twenty thousand dollars (\$20,000.00), no invitation for bids, nor any formal contract for purchase or sale, shall be authorized without prior approval of the city council. All construction, supplies, equipment, and contractual services in this category shall be purchased or sold by formal written contract, from the lowest responsible and responsive bidder, after due notice inviting bids, which notice shall be published or solicited as provided below.

b. In advertising for bids as provided below, the Council may publish the amount of the estimate.

c. Supplies, equipment and/or contractual services from single source suppliers may be exempted from the requirement for publication and sealed bids, provided that there is no statutory obligation to publish for sealed bids related to construction of certain improvements or the purchase of equipment related to such construction.

d. Professional services are exempt from this procedure.

e. Bid specifications for any construction project in the public right of way for which the cost exceeds \$5,000.00 shall include the requirement of a “payment bond” equal to the contract price.

f. Bid specifications, the notice to bidders, bidding instructions and the bid sheet (if any) shall be required for all purchases pursuant to paragraph (1), and the same shall be reviewed and approved by the purchasing agent and city attorney before being published. The contract for the purchase or services shall be prepared prior to the advertisement for bids and shall be included in the plans and specifications.

g. The advertisement provided for herein shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the City; provided that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, 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, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths (3/4) vote of the City Council and entered of record. In the event the purchasing agent is more than temporarily unavailable, the department head may authorize such purchases in the following departments: Water, Sewer, or Street and Property Maintenance. In such event, the department head shall notify the purchasing agent as soon as possible, and thereafter promptly submit a written report regarding the nature of the emergency.

(1) The notice shall include, in addition to other language required by the city attorney, a general description of the articles to be purchased or sold, and shall state where bid sheets and, plans and specifications, may be secured, and the date, time and place for opening bids.

(2) The purchasing agent shall also

endeavor to distribute bid documents to responsible prospective suppliers of whom the purchasing agent may be aware.

(3) The purchasing agent shall also advertise all pending purchases or sales by a notice posted for public view at a prominent location in City Hall.

h. When deemed necessary by the purchasing agent, bid deposits shall be prescribed in the public notice inviting bids. When so required, the notice shall state that the bid security shall be sent in a separate sealed envelope, in the form of a certified check on a solvent bank or a bid bond from a surety company registered to do business in the State of Nebraska in the amount not less than five (5) percent of the total amount of the bid made payable to "Plattsmouth City Clerk." The unsuccessful bidders shall be entitled to a return of surety required by the purchasing agent. The successful bidder shall forfeit his or her bid deposit upon failure on his or her part to enter a contract within ten (10) days after receiving the previously prepared contract.

i. The bid notice shall require that all bids be submitted in sealed envelopes to the purchasing agent and shall be identified as bids, specifying the project, on the envelope. Bids shall be opened in public on the date and at the time and place stated in the published notice. A tabulation of all bids received shall be available for public inspection.

(1) The City Council shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(2) The City Council shall have the authority to reject the bid of a contractor who is in default on the payment of taxes, licenses, or other monies due the city.

j. Contracts shall be awarded to the lowest responsible and responsive bidder. In determining "lowest responsible bidder," in addition to price, the following shall be considered:

(1) The ability, capacity, and skill of the bidder to perform the contract required;

(2) The experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to contracts;

(6) The life-cost of the personal property in relation to the purchase price and specific use of the item;

(7) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

(8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

(9) The information furnished by each bidder, when deemed applicable by the purchasing agent, concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis; and

(10) Such other information as may be



secured having a bearing on the decision to award the contract.

k. A “responsive bidder” shall be defined as a person or company who has submitted a bid which conforms in all material respects to the “Invitation for Bids.”

l. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with other papers relating to the transaction. No recommendation for an award to other than the lowest bidder shall be made without first having the matter reviewed by the purchasing agent and the city attorney.

m. All contracts for bid awards (formal and informal) shall be prepared for the Mayor’s signature and shall be submitted to the City Attorney for review prior to requests for City Council approval.

n. No contract in excess of twenty thousand dollars (\$20,000.00) for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, works on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property shall be awarded by the City Council until an estimate of the cost shall be made by the City Engineer and submitted to the Council.

o. Except in the case of tie bids, there shall be neither formal nor tacit local vendor’s preference policies. The City shall neither impose nor condone any bidding or procurement policies that result in exclusionary or anti-competitive bidding or violate state or federal antitrust laws. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local bidder or when two (2) or more local bidders are equal, the City Council shall award the contract to one of the tie bidders by drawing lots in public.

p. The formal bid requirements as set forth in this section “may be waived by the city council or board of

public works (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 sections 81-145 to 81-162 or (2) when the contract is negotiated directly with a sheltered workshop pursuant to section 48-1503.”

q. Except as otherwise provided in this policy and by law, pursuant to *Neb. Rev. Stat. §49-14,102*, no public official or public employee, a member of that individual's immediate family, or business with which the individual is associated shall enter into a contract valued at two thousand dollars or more, in any one year, with a government body unless the contract is awarded through an open and public process.

(1) For purposes of this section, an open and public process includes prior public notice and subsequent availability for public inspection during the regular office hours of the contracting government body of the proposals considered and the contract awarded.

(2) No contract may be divided for the purpose of evading the requirements of this section.

(3) This section shall not apply to a contract when the public official or public employee does not in any way represent either party in the transaction.

(4) This section prohibits public officials and public employees from engaging in certain activities under circumstances creating a substantial conflict of interest. This section is not intended to penalize innocent persons, and a contract shall not be absolutely void by reason of this section.

r. If, after advertising for bids as provided in this section, the Council receives fewer than two bids on a contract or if bids received by the Council contain a

price which exceeds the estimated cost, the mayor and Council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

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

t. Notwithstanding any other provisions of law or a home rule charter, if the City 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 material division of the Department of Administrative Services. For purposes of this subsection: (a) Personal property includes, but is not limited to, supplies, materials and equipment used by or furnished to any officer, office, department, institution, board or other agency; and (b) Purchasing or purchase means the obtaining of personal property by sale, lease or other contractual means. (Ref. Neb. Rev. Stat. §16-321, 16-321.01 and 18-1756)

### 3. Informal Bidding

a. When the estimated cost of supplies, equipment or contractual services is less than twenty thousand dollars (\$20,000.00), or except in the event of an emergency as detailed above, the purchase shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed for the award of formal contracts and shall be referred to as open market purchases. All such purchases shall be awarded by the purchasing agent.

b. All open market purchases in an amount greater than one thousand dollars (\$1,000.00), but less than

twenty thousand dollars (\$20,000.00) shall, whenever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible and responsive bidder in accordance with the same criteria established in this article for the formal contract procedure. When informally bidding for competitive bids, all procedures for formal bidding will be followed except for the publication requirement. All such purchases shall be awarded by the purchasing agent.

c. All open market purchases greater than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) may be acquired after solicitation of three (3) informal quotes without following the publication requirement and without obtaining competitive sealed bids. Prior to soliciting the informal quotes, the purchasing agent or his or her designee shall have assigned a purchase order. If a repair of equipment or facilities is time sensitive for providing services to the public for water, sewer, police protection and street maintenance, this provision is waived and the department head may proceed with the repair.

d. Purchases provided for under this subsection should be made from the lowest responsible and responsive bidder in accordance with the same criteria established in this article for the formal contract procedure.

e. All open market purchases of two hundred dollars (\$200.00) or less may be made by utilizing open monthly purchase orders or by purchasing from available sources without the necessity of a formal or informal bid.

f. When obtaining sealed bids for informal bidding, the purchasing agent shall mail all bid documents, and post a notice in City Hall, to all local persons who might have an interest in bidding, and to others in the industry.

g. The purchasing agent may solicit informal quotes from prospective vendors, by notice posted for public view at a prominent location in City Hall, by

telephone, by facsimile transmission, by electronic mail or other electronic means.

h. The purchasing agent shall keep a record of all open market orders, and the bids submitted in competition thereon, and such records shall also be open to public inspection.

#### 4. Surplus Stock

a. All departments shall submit to the purchasing agent, at such time and in such form as he or she shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

b. The purchasing agent shall have the authority to sell or dispose of all surplus supplies and equipment of less than twenty thousand dollars (\$20,000.00) in value which have become unsuitable or unnecessary for public use. The purchasing agent shall sell or dispose of the property by any method which is most advantageous to the city, including auction, sealed bid, private or public sale, or trade-in for other property. All sales of equipment or supplies of twenty thousand dollars (\$20,000.00) or more in value shall require the prior approval of the City Council and shall be sold by way of auction or sealed bid.

#### SECTION 1-511: ANNUAL AUDIT

The City Council shall cause an audit of the city accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. The said 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 City Council. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the City 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 city clerk and shall become a part of the public records of the city clerk's office, and will at all times thereafter be open for public inspection. One copy shall be

filed with the Auditor of Public Accounts. The City Council shall provide and file with the city clerk, not later than August 1 of each year, financial statements showing its actual and budgeted figures for the most recently completed fiscal year. (Ref. Neb. Rev. Stat. §19-2901 through 19-2909)

#### SECTION 1-512: CLAIMS

All claims against the City shall be presented to the City Council 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. Upon the filing of any claim, the party shall state therein his/her post office address; and upon the disallowance of any such claim, it will be the duty of the city clerk to notify the claimant, his/her agent or attorney by letter mailed to such address within five days after such disallowance. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council 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. (Ref. Neb. Rev. Stat. §16-726)

#### SECTION 1-513: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. 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. 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 city 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. (Ref. Neb. Rev. Stat. §16-718)

#### SECTION 1-514: TRANSFER OF FUNDS

The City Council may, whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing at which

time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget and the approval by the City Council, the City Council shall file with the county clerk and the Nebraska State Auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The City Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants," and shall be repaid during the next fiscal year from funds derived from taxes levied therefor. (Ref. Neb. Rev. Stat. §13-510, 13-511)

#### SECTION 1-515: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city 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 unless to reimburse the City for money expended for any such improvement. (Ref. Neb. Rev. Stat. §17-710)

#### SECTION 1-516: SINKING FUNDS

The City Council, 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 assessed value of all taxable property within the City 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 City, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. 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 City Council

may then proceed to establish the said fund in conformity with the provisions of the proposition, and applicable state law. The funds received by the city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council 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 City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund. (Ref. Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

#### SECTION 1-517: GENERAL FUND

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the General Fund.

#### SECTION 1-518: DEPOSIT OF FUNDS

The city treasurer shall deposit, and at all times keep on deposit, for safe keeping, in state or national banks of approved and responsible standing, all money collected, received or held by him/her. Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director or other officer of such banking institution shall also be serving as mayor, councilmember, member of a Board of Public Works or as any other officer of such city shall not disqualify such bank from acting as a depository for such city funds. (Ref. Neb. Rev. Stat. §16-712)

#### SECTION 1-519: CERTIFICATES OF DEPOSIT; SECURITY REQUIRED

The city treasurer may, upon resolution of the mayor and Council authorizing the same, purchase certificates of deposit from and make time deposits in banks selected as depositories of city funds under the provisions herein. The certificates of deposit purchased and time deposits shall bear interest, and shall be secured as set forth herein; provided that the penal sum of such bond or the sum of such pledge of assets shall be reduced in the amount of the time deposit or certificate of deposit insured by the Federal Deposit Insurance Corporation. (Ref. Neb. Rev. Stat. §16-713)

#### SECTION 1-520: BOND ISSUES

The City Council 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 City Council 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. (Ref. Neb. Rev. Stat. §10-201 through 10-411, 10-606 through 10-612, 12-1001, 17-529.01,



17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513)

#### SECTION 1-521: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

1. The City may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the City.
2. No debt owed pursuant to subsection 1 of this section may be assigned to a collection agency unless (a) there has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last-known address of the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid and (b) at least 30 days have elapsed from the time the notice was sent.
3. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.
4. For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service. (Ref. Neb. Rev. Stat. §45-623)

#### SECTION 1-522: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

The City shall collect the special assessments which it levies and perform all other necessary functions related thereto, including foreclosure. 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 and any interest or penalties accrued thereon. Failure to receive such notice shall not relieve the taxpayer from any liability pay such special assessments and any interest or penalties accrued thereon. (Ref. Neb. Rev. Stat. §18-1216)



## ARTICLE VI – EMPLOYEE REGULATIONS AND PENSION PROGRAMS

### SECTION 1-601 EMPLOYEE MANUAL

The City Council may, by resolution, from time to time, adopt an employee manual to set forth rules and regulations between the City and its full-time and part-time employees who are not employed in positions governed by a union contract or collective bargaining agreement. Such manual, if the same is adopted, shall be delivered in its current form to each employee and to each new employee at the employee's time of hiring by the City, and shall be made available at all reasonable times to all other city employees or their representatives. The City, through the City Council, reserves the right to modify the contents of such manual as deemed necessary for the best interests of the City. None of the provisions of such manual shall remain in effect if modified by proper Council action. Any modification shall be transmitted by the City in writing to all employees. The terms of the employee manual do not constitute a contract of employment between the City and any city employee unless it is incorporated by the terms of a separate contract.

### SECTION 1-602 PROHIBITIONS

1. No action affecting the employment status of an employee or applicant for a position in the City, including examination, appointment, promotion, demotion, suspension or removal, or other conditions and privileges of employment, shall be taken or withheld by reason of the race, creed, color, sex, disability, national origin, religion or political affiliation of the affected person; provided nothing in this section shall be construed as prohibiting any action affecting the employment status of an employee or applicant in those instances where disability or sex is a bonafide occupational qualification reasonably necessary for the normal operation of the City. No person shall be employed or retained who advocates or belongs to an organization advocating the overthrow or change of our government by force or violence.

2. No non-elective officer or employee in the city's service shall during working hours or while such employee is otherwise engaged in the performance of his/her official duties or while wearing a uniform required by his/her city service, solicit or contribute funds for any candidate in any election for Mayor or City Council; take part in or manage the campaign of any candidate for Mayor or City Council; address or take an active part in any rally or meeting for or in support of any candidate for Mayor or City Council; solicit votes, assist voters at the polls, or help any candidate for Mayor or City Council get voters to the polls; participate in the distribution of campaign literature supporting any candidate for Mayor or City Council; initiate or circulate any petition nominating a candidate for Mayor or City Council; ride in any caravan for any candidate for Mayor or City Council. Nothing in this section shall prohibit any non-elective officer or employee in the city service from exercising the right at a citizen to express opinions, vote, or do

partisan or non-partisan political acts not expressly prohibited.

3. Unclassified employees shall not hold any office in, or be employed by, any other public body which would interfere with the performance of official duties. Unclassified employees shall attempt to avoid, and if it cannot be avoided must disclose to the City, the existence or the possibility of a conflict of interest.

4. No person seeking appointment to or promotion in employment shall give, render or pay any money, service or other valuable thing to any person in connection with testing, appraisal, appointment, promotion or other term or condition of employment. Any person who willfully or corruptly violates any of the provisions of this section shall be subject to discharge and any other available punishment by the City that is provided by law.

5. This section does not apply to any positions which are the subject matter of collective bargaining in the event that a collective bargaining agreement addresses the position or the possible action by the City Council.

#### SECTION 1-603 PENSION PROGRAM; ADMINISTRATION

The City Council may from time to time designate by resolution a committee which shall have full responsibility for the administration of the pension program and shall hold, invest, reinvest and distribute all funds or other property received pursuant hereto, in trust, for the purposes of the pension program under a plan or plans adopted by the City Council.

#### SECTION 1-604 PENSION PROGRAM; POWERS AND DUTIES OF COUNCIL

1. The Council, in the administration of this program, shall create a General Pension Fund (hereinafter referred to as "Fund") which shall consist of appropriations which this city may from time to time allocate for such purposes and any funds or property obtained from other lawful sources for such purposes, and shall include employee contributions. The Council shall have full power and authority by majority action of its members, either directly or through their designated representative, to do all acts, execute, acknowledge and deliver all instruments and to exercise for the sole benefit of the participants hereunder any and all powers and discretions necessary to implement and effectuate the purposes of this article, including for purposes of illustration but not limitation any and all of the following:

2. To hold, invest and reinvest in any form of property whatsoever without restriction to legal investments all funds received pursuant to Sections 1-603 to 1-608; to enter into contracts or deposit agreements on behalf of this city with one or more insurance companies in order to provide the pension and other benefits hereinbefore set forth and to pay the premiums and deposits required by

the purchase of said contracts; to retain or purchase as an investment any form of life insurance, retirement income, annuity or other contracts of similar nature and to exercise with respect thereto any right or incident of ownership to retain any property which may at any time become an asset of the Fund as long as said council may deem it advisable; and to make distribution of the funds in the Fund in accordance with the terms of this article; provided, however, that the Council's exercise of its power to enter into, acquire or purchase any contracts or agreements which provide pension and other benefits hereinbefore set forth shall be in conformity with a uniform standard and non-discriminatory as between participants hereunder.

#### SECTION 1-605 PENSION PROGRAM; FUNDING

The benefits conferred upon city employees by any city pension program may be funded from such appropriations which this city, through the City Council, may from time to time allocate for such purposes, and funds received from any lawful source, including employee contributions.

#### SECTION 1-606: PENSION PROGRAM; TRANSFER OF ASSIGNMENT

No participant or beneficiary of such participant shall have the right to alienate, encumber or assign any assets in the Fund held by the Council on his/her behalf, or any of the benefits, payments, proceeds or avails of any contract or agreement purchased or acquired by the City hereunder. Any contract or agreement issued pursuant to Section 1-603 to 1-608 upon the life of such participant shall contain a provision, in substance, that to the extent permitted by law none of the benefits, payments or proceeds of such contract or agreement shall be subject to any legal process by any creditor of such participant or of any beneficiary of such participant.

#### SECTION 1-607 PENSION PROGRAM; RESERVATION OF RIGHTS

The Council reserves to itself the right any time and from time to time to alter and amend any or all of the provisions of Sections 1-603 to 1-608 and revoke Sections 1-603 through 1-608 in their entirety; provided, however, that in the event of revocation each participating employee shall be entitled to have assigned to him/her all contracts or agreements then held by the City hereunder and in effect which provide annuity or death benefits for such employee.

#### SECTION 1-608: POLICE PENSION PROGRAM

Separate and apart from and distinct to any other available pension program created by the City for the benefit of city employees, The City shall initiate a separate system for the pension of members of the police department. The pension program shall be established and administered pursuant to state statute and all provisions of state statute applicable to the pension programs for

policemen in cities of the first class shall control and regulate the administration of the program by the City, including but not limited to, the qualifications, payments, funding, options of payments and the amount to be contributed from the salary of the employee policemen. Further, this section shall in no way affect or limit the police officers' right to participate in any other system or collect benefits under any other applicable state and federal statute.

## ARTICLE VII - ELECTIONS

### SECTION 1-701: ELECTION OF OFFICERS; CERTIFICATION

All city elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 1 of each even-numbered year, the City Council shall certify to the Secretary of State, the election commissioner or the county clerk, the name of the City, 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. (Ref. Neb. Rev. Stat. §16-302.01, 32-401, 32-404, 32-556)

### SECTION 1-702: PRIMARY ELECTION; NUMBER OF CANDIDATES FILING

If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

### SECTION 1-703: TIE VOTES

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

### SECTION 1-704: FILING FEE

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

### SECTION 1-705: VOTER QUALIFICATIONS

"Elector" shall mean a person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; provided, no person shall be qualified to vote

at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. (Ref. Neb. Rev. Stat. §17-602, 32-110)

#### SECTION 1-706: CANDIDATES

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

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

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 City.

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 City, not to exceed 2000.

Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the City and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election. (Ref. Neb. Rev. Stat. §32-616 through 32-618)

#### SECTION 1-707: NOMINATION BY WRITE-IN VOTES

Candidates for elected office may be nominated by write-in; however, when the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a councilmember, such person shall not be entitled to a certificate of nomination at a statewide primary election or have his/her name placed on the general election ballot unless he/she



shall have received not less than 20% of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward at the preceding election in which candidates were elected to serve the precinct or ward.

#### SECTION 1-708: SPECIAL JOINT ELECTIONS

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

In lieu of submitting the issue at a special election, the City 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 city clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election.

After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the city 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 the 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 City Council. The canvass by the county canvassing board shall have the same force and effect as if made by the City Council. (Ref. Neb. Rev. Stat. §32-559)

#### SECTION 1-709 CERTIFICATE OF NOMINATION OR ELECTION

1. If the county election commissioner does not certify the election results, the city clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the canvassing board has declared to have received the highest vote for each municipal office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes

at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves.

2. A certificate of election prepared by the city clerk shall be in the form as nearly as possible prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the mayor under the seal of the City and countersigned by the city clerk. (Ref. Neb. Rev. Stat §19-3041, 32-558, 32-1033)

#### SECTION 1-710: INABILITY TO ASSUME OFFICE

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

#### SECTION 1-711 RECALL PROCEDURE

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

#### SECTION 1-712: BALLOTS

The county clerk or election commissioner shall provide printed ballots for every general municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the City. (Ref. Neb. Rev. Stat. §32-1202)

## SECTION 1-713: WARDS AND PRECINCTS

The City of Plattsburgh, for the purpose of elections, is divided into four wards with certain wards further divided into precincts as follows:

### FIRST WARD

First Ward shall consist of all of that part of the City of Plattsburgh lying north of Avenue A from the eastern corporate limit of the City of Plattsburgh, west to 10<sup>TH</sup> Street; that part lying east of 10<sup>TH</sup> Street, north to Avenue B; that part lying north of Avenue B, west to 13<sup>TH</sup> Street; that part lying west of 13<sup>TH</sup> Street, south to Avenue A; that part lying north of Avenue A, west to 15<sup>TH</sup> Street; that part lying east of 15<sup>TH</sup> Street, north to Avenue B; and that part lying north of Avenue B west to the corporate limits of the city.

a. The FIRST PRECINCT of First Ward shall consist of that part of First Ward lying north of Avenue A from the east city limits, west to 8<sup>TH</sup> Street; that part lying east of 8<sup>TH</sup> Street, north to Avenue G; that part lying north of Avenue G, west to 12<sup>TH</sup> Street; and that part lying east of 12<sup>TH</sup> Street, north to the city limits.

b. The SECOND PRECINCT of First Ward shall consist of that part of the First Ward lying south of the city limits where it intersects N. 12<sup>TH</sup> Street; thence following the north and west city limits to Avenue B; that part lying north of Avenue B, east to 15<sup>TH</sup> Street; that part lying east of 15<sup>TH</sup> Street, south to Avenue A; that part lying north of Avenue A, east to 13<sup>TH</sup> Street; that part lying west of 13<sup>TH</sup> Street, north to Avenue B; that part lying north of Avenue B, east to 10<sup>TH</sup> Street; that part lying east of 10<sup>TH</sup> Street, south to Avenue A; that part lying north of Avenue A, east to 8<sup>TH</sup> Street; that part lying west of 8<sup>TH</sup> Street, north to Avenue G; that part lying south of Avenue G west to 12<sup>TH</sup> street; that part lying west of 12<sup>TH</sup> street, north to the city limits.

### SECOND WARD

Second Ward shall consist of all that part of the City of Plattsburgh lying south of Avenue A from 6<sup>TH</sup> Street, west to 10<sup>TH</sup> Street; that part lying west of 10<sup>TH</sup> Street, north to Avenue B; that part lying south of Avenue B, west to 13<sup>TH</sup> Street; that part lying east of 13<sup>TH</sup>

Street, south to Avenue A; that part lying south of Avenue A, west to 15<sup>TH</sup> Street; that part lying west of 15<sup>TH</sup> Street, north to Avenue B; that part lying south of Avenue B, west to the city limits; that part lying north of 8<sup>TH</sup> Avenue, east from the city limits to Chicago Avenue; that part lying west of Chicago Avenue, northeast to 5<sup>TH</sup> Avenue; that part lying north of 5<sup>TH</sup> Avenue, east to 7<sup>TH</sup> Street; that part lying west of 7<sup>TH</sup> Street, north to 3<sup>RD</sup> Avenue; the part lying north of 3<sup>RD</sup> Avenue, east to 6<sup>TH</sup> Street; and that part lying west of 6<sup>TH</sup> Street, north to Avenue A. Second Ward includes the incorporated area in west Plattsmouth between Oak Hill Road and a non-visible line extending west from 1<sup>ST</sup> Avenue to the cemetery.

a. The FIRST PRECINCT of Second Ward shall consist of all of that part of Second Ward lying south of Avenue A from 6<sup>TH</sup> Street, west to 10<sup>TH</sup> Street; that part lying west of 10<sup>TH</sup> Street, north to Avenue B; that part lying south of Avenue B, west to 13<sup>TH</sup> Street; that part lying east of 13<sup>TH</sup> Street, south to Avenue A; that part lying south of Avenue A, west to 15<sup>TH</sup> Street; that part lying west of 15<sup>TH</sup> Street, north to Avenue B; that part lying south of Avenue B, west to the city limits; that part lying north of a non-visible line extending from 2<sup>ND</sup> Avenue, east from the city limits, east to 8<sup>TH</sup> Street; that part lying east of 8<sup>TH</sup> Street, south to 3<sup>RD</sup> Avenue; that part lying north of 3<sup>RD</sup> Avenue, east to 6<sup>TH</sup> Street; and that part lying west of 6<sup>TH</sup> Street, north to Avenue A. First Precinct includes the incorporated area in west Plattsmouth between Oak Hill Road and a non-visible line extending west from 1st Avenue to the cemetery.

b. The SECOND PRECINCT of Second Ward shall consist of all that part of Second Ward lying south of 3<sup>RD</sup> Avenue from 7<sup>TH</sup> Street, west to 8<sup>TH</sup> Street; that part lying west of 8<sup>TH</sup> Street, north to 2<sup>ND</sup> Avenue; that part lying south of 2<sup>ND</sup> Avenue, west along a non-visible line extending from 2<sup>ND</sup> Avenue to the city limits; thence following the city limits south to 8<sup>TH</sup> Avenue; that part lying north of 8<sup>TH</sup> Avenue, east to Chicago Avenue; that part lying west of Chicago Avenue, northeast to 5<sup>TH</sup> Avenue, that part lying north of 5<sup>TH</sup> Avenue, east to 7<sup>TH</sup> Street; and that part lying west of 7<sup>TH</sup> Street, north to 3<sup>RD</sup> Avenue.

## THIRD WARD

Third Ward shall consist of all that part of the City of Plattsmouth beginning at 9<sup>TH</sup> Street and 5<sup>TH</sup> Avenue, lying south of 5<sup>TH</sup> Avenue, west to Chicago Avenue; that part lying east of Chicago Avenue, southwest to 8<sup>TH</sup> Avenue; that part lying south of 8<sup>TH</sup> Avenue extending west to the city limits. Third Ward is bounded by the west city limits; Third Ward extends south to the south city limits; Third Ward follows the city limits east, said point being the intersection of the center line of 15<sup>TH</sup> Street/Chicago Avenue and the south city limits; that part lying west of 15<sup>TH</sup> Street/Chicago Avenue north to Lincoln Avenue; that part lying west of Lincoln Avenue, northeast to 12<sup>TH</sup> Avenue; that part lying South of 12<sup>TH</sup> Avenue, west to the alley between 8<sup>TH</sup> Street and 9<sup>TH</sup> Street; that part lying west of the alley between 8<sup>TH</sup> Street and 9<sup>TH</sup> Street, north to 11<sup>TH</sup> Avenue; that part lying south of 11<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; that part lying west of 9<sup>TH</sup> Street, north to 7<sup>TH</sup> Avenue; that part lying south of 7<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; and that part lying west of 9<sup>TH</sup> Street, north to 5<sup>TH</sup> Avenue.

a. The FIRST PRECINCT of Third Ward shall consist of all of that part of Third Ward beginning at 9<sup>TH</sup> Street and 5<sup>TH</sup> Avenue, lying south of 5<sup>TH</sup> Avenue, west to Chicago Avenue; that part lying east of Chicago Avenue continuing southwest to the east/west private drive serving 1715 S. 15<sup>TH</sup> Street (also known as The Pines, Lot 1); that part lying north of the private drive referenced above; that part east of the north/south portion of the same private drive that runs south between mobile home space numbers 51, 52, 53 and 54 on its west side and mobile home space numbers 50, 49, 48, 47, 33, 31 and 29 on its east side, terminating at 17<sup>TH</sup> Avenue; that part lying north of 17<sup>TH</sup> Avenue, east to Lincoln Ave; that part lying northwest of Lincoln Avenue, northeast to 12<sup>TH</sup> Avenue; that part lying south of 12<sup>TH</sup> Avenue, west to the alley between 8<sup>TH</sup> Street and 9<sup>TH</sup> Street; that part lying west of the alley between 8<sup>TH</sup> Street and 9<sup>TH</sup> Street, north to 11<sup>TH</sup> Avenue; that part lying south of 11<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; that part lying west of 9<sup>TH</sup> Street, north to 7<sup>TH</sup> Avenue; that part lying south of 7<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; and that part lying west of 9<sup>TH</sup> Street, north to 5<sup>TH</sup> Avenue.

b. The SECOND PRECINCT of Third Ward shall consist of all that part of Third Ward lying south of 8<sup>TH</sup>

Avenue from Chicago Avenue extending west to the city limits; Third Ward is bounded by the west city limits; Third Ward extends south to the south city limits; Third Ward follows the city limits to a point being the intersection of the centerline of 15<sup>TH</sup> Street/Chicago Avenue and the south city limits; that part of Third Ward lying west of 15<sup>TH</sup> Street/Chicago Avenue north to Lincoln Avenue; that part of Third Ward lying west of Lincoln Avenue, northeast to 17<sup>TH</sup> Avenue; that part of Third Ward lying south of 17<sup>TH</sup> Avenue, (includes the east/west private drive serving 1715 S. 15<sup>TH</sup> Street, also known as "The Pines, Lot 1," beginning south of the intersection of Highway 34 and South 15<sup>TH</sup> Street on the east side of S. 15<sup>TH</sup> Street, then going east to the north/south portion of the same private drive that runs south between mobile home space numbers 51, 52, 53 and 54 on its west side and mobile home space numbers 50, 49, 48, 47, 33, 31 and 29 on its east side, terminating at 17th Avenue), west to Chicago Avenue; and that part of Third Ward lying west of Chicago Avenue, north then northeast to 8<sup>TH</sup> Avenue.

#### FOURTH WARD

Fourth Ward shall consist of all that part of the City of Plattsmouth lying south of Avenue A extending west from the east city limits to 6<sup>TH</sup> Street; that part lying east of 6<sup>TH</sup> Street, south to 3<sup>RD</sup> Avenue; that part lying south of 3<sup>RD</sup> Avenue, west to 7<sup>TH</sup> Street; that part lying east of 7<sup>TH</sup> Street, south to 5<sup>TH</sup> Avenue; that part lying south of 5<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; that part lying east of 9<sup>TH</sup> Street, south to 7<sup>TH</sup> Avenue; that part lying north of 7<sup>TH</sup> Avenue, east to 9<sup>TH</sup> Street; that part lying east of 9<sup>TH</sup> Street, south to 11<sup>TH</sup> Avenue; that part lying north of 11<sup>TH</sup> Avenue, east to the alley between 9<sup>TH</sup> Street and 8<sup>TH</sup> Street; that part lying east of the alley between 9<sup>TH</sup> Street and 8<sup>TH</sup> Street, south to 12<sup>TH</sup> Avenue; that part lying north of 12<sup>TH</sup> Avenue, east to Lincoln Avenue; that part lying east of Lincoln Avenue, southwest to 15<sup>TH</sup> Street/Chicago Avenue; that part lying east of 15<sup>TH</sup> Street/Chicago Avenue, south to the corporate limits of the city. Fourth Ward is bounded by the city limits east of 15<sup>TH</sup> Street/Chicago Avenue and follows the east city limits north to Avenue A.

- a. The FIRST PRECINCT of Fourth Ward shall consist of all of that part of Fourth Ward lying south of Avenue A extending west from the east city limits to

6<sup>TH</sup> Street; that part lying east of 6<sup>TH</sup> Street, south to 3<sup>RD</sup> Avenue; that part lying south of 3<sup>RD</sup> Avenue, west to 7<sup>TH</sup> Street; that part lying east of 7<sup>TH</sup> Street, south to 5<sup>TH</sup> Avenue; that part lying south of 5<sup>TH</sup> Avenue, west to 9<sup>TH</sup> Street; that part lying east of 9<sup>TH</sup> Street, south to 7<sup>TH</sup> Avenue; that part lying north of 7<sup>TH</sup> Avenue, east to 9<sup>TH</sup> Street; that part lying east of 9<sup>TH</sup> Street, south to 11<sup>TH</sup> Avenue; that part lying north of 11<sup>TH</sup> Avenue, east to the alley between 9<sup>TH</sup> Street and 8<sup>TH</sup> Street; that part lying east of the alley between 9<sup>TH</sup> Street and 8<sup>TH</sup> Street, south to 12<sup>TH</sup> Avenue; that part lying north of 12<sup>TH</sup> Avenue, east to Lincoln Avenue; that part lying west of Lincoln Avenue, northeast to 3<sup>RD</sup> Avenue; that part lying north of 3<sup>RD</sup> Avenue, east to 2<sup>ND</sup> Street; that part lying west of 2<sup>ND</sup> Street, north to Livingston Road; and that part lying north of Livingston Road extending east along a non-visible line from Livingston Road to the east city limits. First Precinct then follows the east city limits north to Avenue A.

b. The SECOND PRECINCT of Fourth Ward shall consist of all of that part of Fourth Ward lying south of Livingston Road extending west along a non-visible line from Livingston Road from the east corporate limits of the city, east to 2<sup>ND</sup> Street; that part lying east of 2<sup>ND</sup> Street, south to 3<sup>RD</sup> Avenue; that part lying south of 3<sup>RD</sup> Avenue, west to Lincoln Avenue; that part lying east of Lincoln Avenue, southeast to Chicago Avenue/15<sup>TH</sup> Street; that part lying east of Chicago Avenue/15<sup>TH</sup> Street, south to where Chicago Avenue/15<sup>TH</sup> Street meet the south city limits. Second Precinct then follows the city limits east and north until it intersects the non-visible line extending east from Livingston Road.

(Ref. *Neb. Rev. Stat.* §§16-104, 16-105) (Amended by Ordinance No. \_\_\_\_\_,

#### SECTION 1-714: 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 to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Ref. *Neb. Rev. Stat.* §32-1525)





## ARTICLE VIII - PENAL PROVISION

### SECTION 1-801: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 dollars for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.