

LEGISLATIVE BILL 1024

Approved by the Governor March 27, 1974

Introduced by Urban Affairs Committee, Snyder, 14, Chmn.; Waldron, 42; Fowler, 27; F. Lewis, 45; Murphy, 17; Syas, 13; Schmit, 23

AN ACT relating to cities of the first class; to amend section 16-308, Reissue Revised Statutes of Nebraska, 1943; to provide establishment of departments and offices by ordinance; to provide for the position of administrator; to provide that the office of administrator may be held by the mayor as prescribed; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 16-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-308. ~~(1)~~ Each city of the first class shall have such departments and appointed officers as shall be established by ordinance passed by the city council, which shall include a city clerk, treasurer, engineer and attorney, and such officers as may otherwise be required by law. Except as provided in Chapter 19, article 6, the mayor may, by--and with the consent approval of the city council, or a majority of the--same, appoint an--administrator,--treasurer,--city--clerk, engineer,--city--attorney,--street--commissioner,--city physician,--and three or five--members--of--the--board--of public-works the necessary officers, as well as an administrator, who shall perform such duties as prescribed by ordinance. Except as provided in Chapter 19, article 6, the appointed officers may be removed at any time by the mayor with approval of a majority of the council. The office of administrator may be held by the mayor, with the approval of the council, or by any other person. If a person other than the mayor is appointed administrator, such person may concurrently hold any other appointive office provided for in this section and section 16-325. If the council assigns the duties of the administrator to the mayor, it may compensate the mayor for performance of such administrative duties. Such compensation shall be in addition to the salary provided for performance of the duties of the office of mayor. The compensation paid for performance of the duties of administrator shall be paid to the mayor notwithstanding section 16-326. In a city owning its own waterworks--and

fighting plant, there may be appointed in the same manner a water commissioner who shall also be sewer inspector, and a light, heat, and power commissioner, and a city manager, where the duties of such an officer are provided for by ordinance, the administrator such administrative duties as shall be prescribed by ordinance.

(2) Any of the officers referred to in subsection (1) of this section, except members of the board of public works, may be removed at pleasure by a vote of a majority of all the members of the council with the approval of the mayor. All confirmations of appointments to such offices by the council shall be made viva voce, and the concurrence of a like majority shall be required. The vote by yeas and nays shall be recorded.

(3) The office of city manager may be held by the mayor or any other person. In case the city manager is a different person than the mayor, he may hold any other appointive office provided for in this section and section 46-325. The city manager shall perform such administrative duties as shall be prescribed by ordinance.

(4) The mayor may, by and with the consent of the council or a majority of them, appoint a chief of the fire department and a chief of police, together with such regular police as the mayor and council shall see fit, and such officers may be removed by the mayor at pleasure. In case of an emergency, the mayor may appoint such special police as shall be required, and he is hereby authorized to call on any male inhabitants of the city, between the ages of eighteen and fifty, to aid in enforcing the law of said city.

Sec. 2. That original section 16-308, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.