Introduced by Wayne, 13.

Read first time January 22, 2020

Committee: Urban Affairs

A BILL FOR AN ACT relating to cities and villages; to amend section 15-322, Reissue Revised Statutes of Nebraska, section 17-610, Revised Statutes Cumulative Supplement, 2018, and section 16-319, Revised Statutes Supplement, 2019; to provide duties for a city attorney of a city of the metropolitan class; to provide a prosecutorial exception for city attorneys and village attorneys as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. The city attorney of a city of the metropolitan class shall be the legal advisor of the mayor, the city council, and city officers. The city attorney shall commence, prosecute, and defend actions on behalf of the city or that may be ordered by the city council, except that the city attorney shall not prosecute any felony or misdemeanor offense adopted under state law. The city attorney shall attend meetings of the city council and give them his or her opinion upon any matters submitted to him or her, either orally or in writing as may be required. The city attorney is authorized to prepare, file, and sign the proper complaint when there is sufficient evidence to warrant the belief that a person is guilty and can be convicted of a violation of a city ordinance. The city attorney shall draft or review for legal correctness ordinances, contracts, franchises, and other instruments, and he or she shall perform such other duties as may be imposed upon him or her by general law or by ordinance. The city attorney may appoint a deputy city attorney and one or more assistant city attorneys whose duties may be prescribed by ordinance.

Sec. 2. Section 15-322, Reissue Revised Statutes of Nebraska, is amended to read:

15-322 The city attorney of a city of the primary class shall be the legal advisor of the mayor, the city council, and city officers. The city attorney shall commence, prosecute, and defend actions on behalf of the city, except that he or she shall not prosecute any felony or misdemeanor offense adopted under state law. The city attorney shall attend the meetings of the city council and give opinions, orally or in writing, as required, upon any matter submitted to him or her by the mayor, the city council, or any officers of the city. The city attorney is authorized to prepare, file, and sign the proper complaint when there is sufficient evidence to warrant the belief that a person is guilty and can be convicted of a violation of a city ordinance. The city attorney shall draft or review for legal correctness ordinances,
contracts, franchises, and other instruments as may be required, and he
or she shall perform such other duties as may be imposed upon him or her
by general law or by ordinance. The city attorney may appoint a deputy
city attorney and one or more assistant city attorneys, whose duties may
be prescribed by ordinance.

Sec. 3. Section 16-319, Revised Statutes Supplement, 2019, is
amended to read:

16-319 The city attorney of a city of the first class shall be the
legal advisor of the city council and other city officers. The city
attorney shall commence, prosecute, and defend all suits and actions
necessary to be commenced, prosecuted, or defended on behalf of the city,
or that may be ordered by the city council, except that he or she shall
not prosecute any felony or misdemeanor offense adopted under state law.

The city attorney shall attend meetings of the city council
and give them his or her opinion upon any matters submitted to him or
her, either orally or in writing as may be required. The mayor and city
council shall have the right to pay the city attorney additional
compensation for legal services performed by him or her for the city or
to employ additional legal assistance and to pay for such legal
assistance out of the funds of the city. Whenever the mayor and city
council have by ordinance so authorized, the board of public works shall
have the right to pay the city attorney additional compensation for legal
services performed by him or her for it or to employ additional legal
assistance other than the city attorney and pay such legal assistance out
of funds disbursed under the orders of the board of public works.

Sec. 4. Section 17-610, Revised Statutes Cumulative Supplement,
2018, is amended to read:

17-610 The city attorney or village attorney shall be the legal
advisor of the city council in a city of the second class or village
board of trustees. The city attorney or village attorney shall
commence, prosecute, and defend all suits and actions necessary to be
commenced, prosecuted, or defended on behalf of the city or village, or that may be ordered by the city council or village board of trustees, except that he or she shall not prosecute any felony or misdemeanor offense adopted under state law. When requested, the city attorney or village attorney he or she shall attend meetings of the city council or village board of trustees and give them his or her opinion upon any matters submitted to him or her, either orally or in writing, as may be required. The city attorney or village attorney he or she shall draft or review for legal correctness ordinances, contracts, franchises, and other instruments as may be required, and he or she shall perform such other duties as may be imposed upon him or her by general law or ordinance. The city council or village board of trustees of the city or village shall have the right to pay the city attorney or village attorney compensation for legal services performed by him or her for such city or village on such terms as the city council or village board of trustees and the city attorney or village attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the city or village.

Sec. 5. The Revisor of Statutes shall assign section 1 of this act to Chapter 14.

Sec. 6. Original section 15-322, Reissue Revised Statutes of Nebraska, section 17-610, Revised Statutes Cumulative Supplement, 2018, and section 16-319, Revised Statutes Supplement, 2019, are repealed.