

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1135**

Introduced by Wayne, 13.

Read first time January 22, 2020

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend section  
2 15-322, Reissue Revised Statutes of Nebraska, section 17-610,  
3 Revised Statutes Cumulative Supplement, 2018, and section 16-319,  
4 Revised Statutes Supplement, 2019; to provide duties for a city  
5 attorney of a city of the metropolitan class; to provide a  
6 prosecutorial exception for city attorneys and village attorneys as  
7 prescribed; to provide a duty for the Revisor of Statutes; and to  
8 repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

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

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

20           15-322 The city attorney of a city of the primary class shall be the  
21 legal advisor of the mayor, the city council, and city officers. The city  
22 attorney He shall commence, prosecute, and defend actions on behalf of  
23 the city, except that he or she shall not prosecute any felony or  
24 misdemeanor offense adopted under state law. The city attorney shall  
25 attend the meetings of the city council and give opinions, orally or in  
26 writing, as required, upon any matter submitted to him or her by the  
27 mayor, the city council, or any officers of the city. The city attorney  
28 He is authorized to prepare, file, and sign the proper complaint when  
29 there is sufficient evidence to warrant the belief that a person is  
30 guilty and can be convicted of a violation of a city ordinance. The city  
31 attorney He shall draft or review for legal correctness ordinances,

1 contracts, franchises, and other instruments as may be required, and he  
2 or she shall perform such other duties as may be imposed upon him or her  
3 by general law or by ordinance. The city attorney may appoint a deputy  
4 city attorney and one or more assistant city attorneys, whose duties may  
5 be prescribed by ordinance.

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

8 16-319 The city attorney of a city of the first class shall be the  
9 legal advisor of the city council and other city officers. The city  
10 attorney shall commence, prosecute, and defend all suits and actions  
11 necessary to be commenced, prosecuted, or defended on behalf of the city,  
12 or that may be ordered by the city council, except that he or she shall  
13 not prosecute any felony or misdemeanor offense adopted under state law.  
14 The city attorney . ~~He or she~~ shall attend meetings of the city council  
15 and give them his or her opinion upon any matters submitted to him or  
16 her, either orally or in writing as may be required. The mayor and city  
17 council shall have the right to pay the city attorney additional  
18 compensation for legal services performed by him or her for the city or  
19 to employ additional legal assistance and to pay for such legal  
20 assistance out of the funds of the city. Whenever the mayor and city  
21 council have by ordinance so authorized, the board of public works shall  
22 have the right to pay the city attorney additional compensation for legal  
23 services performed by him or her for it or to employ additional legal  
24 assistance other than the city attorney and pay such legal assistance out  
25 of funds disbursed under the orders of the board of public works.

26 Sec. 4. Section 17-610, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 17-610 The city attorney or village attorney shall be the legal  
29 advisor of the city council in a city of the second class or village  
30 board of trustees. The city attorney or village attorney ~~He or she~~ shall  
31 commence, prosecute, and defend all suits and actions necessary to be

1 commenced, prosecuted, or defended on behalf of the city or village, or  
2 that may be ordered by the city council or village board of trustees,  
3 except that he or she shall not prosecute any felony or misdemeanor  
4 offense adopted under state law. When requested, the city attorney or  
5 village attorney ~~he or she~~ shall attend meetings of the city council or  
6 village board of trustees and give them his or her opinion upon any  
7 matters submitted to him or her, either orally or in writing, as may be  
8 required. The city attorney or village attorney ~~He or she~~ shall draft or  
9 review for legal correctness ordinances, contracts, franchises, and other  
10 instruments as may be required, and he or she shall perform such other  
11 duties as may be imposed upon him or her by general law or ordinance. The  
12 city council or village board of trustees of the city or village shall  
13 have the right to pay the city attorney or village attorney compensation  
14 for legal services performed by him or her for such city or village on  
15 such terms as the city council or village board of trustees and the city  
16 attorney or village attorney may agree, and to employ additional legal  
17 assistance and to pay for such legal assistance out of the funds of the  
18 city or village.

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

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