

# ORDINANCE RECORD

REDFIELD DIRECT E2401275KV

## ORDINANCE NO. 1524

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 31.01, 31.04, 31.23 AND 31.30; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 31.01 is hereby amended to read as follows:

### § 31.01 APPOINTED OFFICIALS ENUMERATED.

The Mayor shall, by and with the approval of a majority of the City Council, appoint an Administrator, Finance Director, Clerk, Attorney, City Engineer, Public Works Superintendent, City Physician and Chief of Police. Whenever the title City Treasurer, Treasurer, or a comparable title is used in the Nebraska Revised Statutes or this code of ordinances, or the ordinances, regulations, contracts, personnel documents, and other documents of the city, in reference to the treasurer of the city, the title shall be deemed to mean the Finance Director of the city, who shall perform all of the duties of the Treasurer prescribed by statute or ordinance as well as such other and additional duties as may be directed or prescribed by the city. The City Administrator shall also appoint a Librarian, a Building and Zoning Inspector, and a Recreation Director. All appointed officers may be removed at any time by the Mayor with the approval of the majority of the Council and the advice of the City Administrator. All confirmations of appointments to such offices by the Council shall be made by roll call or viva voce vote, and the concurrence of a majority shall be required. The vote by "yeas" and "nays" shall be recorded. The requirements of a roll call or viva voce vote may be satisfied by the use of an electronic voting device, which allows the yeas and nays of each Council member to be readily seen by the public. ('79 Code, § 1-301) (Am. Ord. 822, passed 10-2-00; Am. Ord. 869, passed 10-1-02)

**Statutory reference:**

*Municipal authority, see Neb. RS 16-308*

SECTION 2. Municipal Code Section 31.04 is hereby amended to read as follows:

### § 31.04 TERM OF OFFICE.

All officers appointed by the Mayor and confirmed by the Council shall hold the office to which they may be appointed until the end of the Mayor's term of office and until their successors are appointed and qualified, unless sooner removed or the ordinance creating the office is repealed, except as otherwise specifically provided.

(Neb. RS 16-309) ('79 Code, § 1-303) (Am. Ord. 869, passed 10-1-02)

SECTION 3. Municipal Code Section 31.23 is hereby amended to read as follows:

### § 31.23 CITY ADMINISTRATOR.

(A) There is hereby established in the city the office of City Administrator. The City Administrator shall be the chief administrative officer of the city and shall serve as administrative agent for the Mayor and City Council in the supervision of the offices and good government of the city. All the departments of the city shall be under the administrative supervision and direction of the City Administrator, and the Mayor and Council shall deal with all departments of the city and employees through the City Administrator.

(B) The office of City Administrator shall be filled by appointment of the Mayor by and with the consent of the majority of the City Council and shall serve at their pleasure. He or she need not be a resident of the city at the time of his or her appointment, but shall become a resident within such reasonable time as the Council and Mayor may allow. The City Administrator shall receive such compensation and allowances as the Mayor and Council may prescribe by ordinance.

(C) In the performance of his or her role as chief administrative officer of the city, the City Administrator shall have the following duties and powers:

(1) He or she shall take charge of and direct the operations of all city departments.

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(2) He or she shall have the power, subject to the provisions of the civil service law, to employ, discipline and remove all nonelected employees of the city provided, however, that in respect to appointments to and removals from offices of City Treasurer, City Clerk, City Engineer, City Attorney, Public Works Superintendent, City Physician, Fire Chief and the Chief of Police same shall be made by the Mayor and Council in the manner provided in Neb. RS 16-308, with the advice of the City Administrator.

(3) He or she shall insure the enforcement of all laws and ordinances within the city and within its extraterritorial jurisdiction insofar as their enforcement is within the power of the city and consistent with the policy of the Mayor and City Council. He or she shall have supervision of the Police Department. Except for purposes of inquiry, the City Administrator shall deal with the members of the Police Department through the Chief of Police, except at such times as the Chief is unavailable. The Mayor and City Council shall constitute the "appointing authority" under the civil service law as to members of the Police Department, except that the City Administrator shall exercise those powers delegated to him or her under the Civil Service Law pursuant to Chapter 37 of this code.

(4) He or she shall serve as the City Planning Director and shall advise both the City Planning Commission and the City Council in matters pertaining to the planning of the city.

(5) He or she shall prepare and submit to the Mayor and Council the annual budget, together with his or her recommendations and comments. He or she shall be responsible for the execution and administration of the adopted budget. He or she shall supervise the maintenance and custody of all accounts and records of the city and shall provide the Mayor and Council with a report of the financial condition of the city at such times as the Mayor and City Council may require.

(6) He or she shall be responsible for the care and maintenance of all city property.

(7) He or she shall attend all meetings of the Mayor and Council and advise the Council in all matters pertaining to the city and its affairs.

(8) He or she shall supervise the performance of all contracts and agreements to which the city is a part.

(9) He or she shall serve as purchasing agent of the city, and no purchase will be made without his or her approval. In no case will he or she make or approve any such purchase unless the funds for same have been duly appropriated by the Mayor and Council, and as to those purchases where the amount involved exceeds \$5,000, he or she shall first obtain the approval of the Mayor and Council.

(10) He or she shall recommend to the Mayor and Council such measures as he or she may deem necessary or expedient for the good government and welfare of the city.

(11) He or she shall perform such other duties as the Mayor and Council may from time to time assign.

(D) The City Administrator may designate such city employees from time to time as necessary or appropriate to assist in carrying out the duties set forth in division (C) above, subject to his or her supervision and direction.

(E) The City Administrator shall take no part in any election held for the purpose of electing the Mayor, members of the City Council or other elective city office of the city, except for the casting of his or her individual ballot. The City Administrator shall be an officer of the city within the meaning of Neb. RS 16-502 and shall be subject to and bound by the prohibitions therein contained. Before taking office, the City Administrator shall file with the City Clerk a bond in favor of the city for the faithful performance of his or her duties in the amount of \$5,000, or such blanket bond or other bond or insurance in lieu of individual bond as permitted by § 33.40(B). The premium of said bond shall be paid by the city.

('79 Code, § 1-316) (Ord. 127, passed - -; Am. Ord. 298, passed 3-16-82; Am. Ord. 397, passed 11-19-85; Am. Ord. 440, passed 5-19-87; Am. Ord. 869, passed 10-1-02; Am. Ord. 1077, passed 10-21-08)

## **Statutory reference:**

Appointment and removal authorized, see Neb. RS 16-308

Compensation restricted, see Neb. RS 16-502

**SECTION 4.** Municipal Code Section 31.30 is hereby amended to read as follows:

## **§ 31.30 FIRE CHIEF.**

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The Fire Chief shall be fire chief who is determined and appointed from time to time pursuant to the Interlocal Cooperation Agreement among the City, City of Papillion and Papillion Rural Fire Protection District dated October 1, 2013, as amended or superseded from time to time, ("Fire Interlocal"), and such Fire Chief shall have such duties and responsibilities from time to time specified or determined by or in accordance with the such Fire Interlocal and applicable law, including without limitation, the immediate superintendence, operation and administration of the fire department, its facilities, equipment and other property, firefighters, emergency medical services ("EMS") and other personnel, abatement, suppression, mitigation, and prevention of fire and other hazards, and carrying out fire, safety and other inspections within the City. Provided, however, prior approval of the City Council shall be required with respect to any of the following matters if the City will be expected to pay a share of applicable costs or expenses:

- (A) Acquisition of any direct or indirect interest in real property;
- (B) Any budgeted or nonbudgeted expenditure, or series of related expenditures, by purchase, lease or any other method totaling \$50,000 or more;
- (C) Increase of 5% or more of annual budgeted or actual expenditures;
- (D) Property tax levy on property within the City;
- (E) Issuance or commitment to bonded debt, lease purchase or any similar indebtedness, financing or obligation; or
- (F) Conveyance of any real property, or interest therein, pursuant to the Fire Interlocal.

The Fire Chief shall be the primary point of contact for the City and attend meetings of the City Council or other meetings of the City to provide updates and address any issues from time to time. The Fire Chief also shall be a member of the Board of Health. Except for such service on the Board of Health, the Fire Chief shall be authorized to appoint one or more designees to carry out any responsibilities under the Fire Interlocal or applicable law. For all purposes of the Code or applicable law, the term "Fire Chief," means the Fire Chief who is designated or acting pursuant to the Fire Interlocal, and the fire department that is acting pursuant to the Fire Interlocal shall constitute and perform all functions and duties of a fire department of the City.

(Ord. 1017, passed 1-16-07)

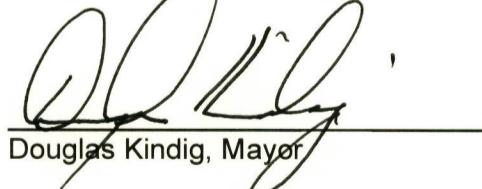
**SECTION 5. Repeal of Conflicting Ordinances.** Sections 31.01, 31.04, 31.23 and 31.30 as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

**SECTION 6. Severability Clause.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 7. Effective Date.** This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

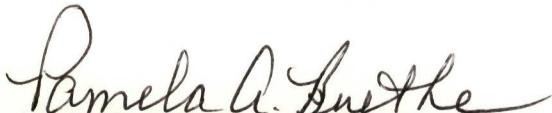
PASSED AND APPROVED THIS 15TH DAY OF OCTOBER 2024

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, MMC  
City Clerk