

## **Article 3. Bonds and Oaths**

### **§1-301 BONDS; FORM.**

A. Official bonds of the City shall be in form, joint and several, and shall be made payable to the City in such penalty as the City Council may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the city officials shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; provided, no city official, while still in his/her official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the City. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the City and any persons who may be injured by a breach of the conditions of such bonds.

B. No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the said instrument by the Mayor and City Clerk pursuant to the said approval of the Council. The premium on any official bond required to be given may be paid out of the General Fund or other proper city fund upon a resolution to that effect by the City Council at the beginning of any city year. All official bonds meeting the conditions herein shall be filed with the City Clerk for his/her official records, and it shall be the duty of the Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Council. In the event that the sureties on the official bond of any officer of the City, in the opinion of the Council, become insufficient, the Council may by resolution fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond or additional sureties to the satisfaction and approval of the Council, then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Council to appoint a competent and qualified person to fill the said office. Any official who is reelected to office shall be required to file a new bond after each election. (Ref. 11-103 through 11-118, 17-604 RS Neb.)

### **§1-302 OATH OF OFFICE; CITY OFFICIALS.**

All officials of the City, whether elected or appointed, except when a different oath is specifically provided herein shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the

duties of the office of \_\_\_\_\_ according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this State by force, or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."

(Ref. 11-101 RS Neb.)

## **Article 4. Corporate Seal**

### **§1-401 SEAL; OFFICIAL CORPORATE.**

The official corporate seal of the City shall be kept in the office of the City Clerk and shall bear the following inscription: "Seal, City of Oakland, Nebraska." The City Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the City Council and countersigned by him or her. (Ref. 17-502 RS Neb.)



## **Article 5. Meetings**

### **§1-501 MEETINGS; DEFINED.**

“Meetings” as used in this article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Ref. 84-1409(2) RS Neb.)

### **§ 1-502 MEETINGS; PUBLIC BODY DEFINED.**

A. “Public body” as used in this article shall mean:

1. The City Council of the City,
2. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
3. Advisory committees of the bodies listed above.

B. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body.  
(Ref. 84-1409(1) RS Neb.)

### **§1-503 MEETINGS; PUBLIC.**

All public meetings as defined by law shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public by a method designated by the Council or by the Mayor if the Council has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the City Clerk. Except for items of an emergency nature, the agenda shall not be altered later than (a) 24 hours before the scheduled commencement of the meeting or (b) 48 hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the City. The City Council shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the City Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting. The minutes of the City Council shall be a public record open to inspection by

the public upon request at any reasonable time at the office of the City Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the City Clerk shall show how each member voted or that the member was absent and did not vote. (Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.)

#### **§1-504 MEETINGS; CLOSED SESSIONS.**

A. Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

C. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, "formal action" means a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy, but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under division (A)(1) of this section.

D. Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition

shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public.

(Neb. RS 84-1410) (Amended by Ord. No. 604, 12/13/04)

#### **§1-505 MEETINGS; PROHIBITED ACTS; EXEMPT EVENTS.**

A. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing this article or the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or electronic communication shall be used for the purpose of circumventing the requirements of this article or the act.

B. This article does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. RS 84-1410) (Ord. No. 604, 12/13/04)

#### **§1-506 MEETINGS; EMERGENCY MEETINGS.**

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-509 (Notice to News Media) of this article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Ref. 84-1411 RS Neb.)

#### **§1-507 MEETINGS; MINUTES.**

Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. (Ref. 84-1412, 84-1413 RS Neb.)

#### **§1-508 MEETINGS; VOTES.**

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by the City utilizing an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public. The vote to elect leadership

within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.  
(Ref. 17-616, 84-1413 RS Neb.)

#### **§1-509 MEETINGS; NOTICE TO NEWS MEDIA.**

The City Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Ref. 84-1411 RS Neb.)

#### **§1-510 MEETINGS; PUBLIC PARTICIPATION.**

A. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to Section 1-504, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

B. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall, for the purpose of circumventing the provisions of this Article, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

C. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State, which meeting shall comply with Sections 84-1408 to 84-1414 RS Neb.  
(Ref. 84-1412, 18-2438 RS Neb.)

#### **§1-511 MEETINGS; ORDER OF BUSINESS.**

All meetings of the City Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, the Mayor,



and such other city officials that may be required shall take their regular stations in the meeting place and the business of the City shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the City Clerk.

**§1-512 MEETINGS; CHANGE IN OFFICE.**

The change in office shall be made as follows: The Mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the Council shall present their reports. Upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and moneys, belonging to the same. (Ref. 17-107.02(9) RS Neb.)

**§1-513 MEETINGS; ORGANIZATIONAL.**

The newly elected Council shall convene at the regular place of meeting in the City on the first regular meeting in December of each year in which a city election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor elected for the new city year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as President of the Council. The Mayor shall then nominate his/her candidates for appointive offices. He/she shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council, or his or her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, and the laws of the City, and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the City Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

**§1-514 MEETINGS; REGULAR MEETING.**

The meetings of the City Council shall be held at City Hall. Regular meetings shall be held on the third Monday of each month commencing at ~~7:00 P.M.~~ <sup>5:30 P.M.</sup> At all meetings of the Council, a majority of the members shall constitute a quorum to do business. (Ref. 17-105 RS Neb.) (Am. by Ord. Nos. 593, 1/12/04; 680, 3/10/14)

**§1-515 MEETINGS; SPECIAL MEETINGS.**

Special meetings may be called by the Mayor or by three members of the City Council, the

object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk. On filing the call for a special meeting, the Clerk shall notify the Council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Council member known to be out of the state or physically unable to be present. A majority of the members of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the City Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Council members shall elect a President pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 6 herein. (Ref. 17-106 RS Neb.)

## **Article 6. Ordinances**

### **§1-601 ORDINANCES, RULES, AND RESOLUTIONS; GRANT OF POWER.**

The City Council may make all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the State of Nebraska as may be expedient for maintaining the peace, good government, and welfare of the City and its trade, commerce, and manufactories. (Ref. 17-505 RS Neb.) (Amended by Ord. No. 521, 2/16/98)

### **§1-602 ORDINANCES; INTRODUCTION.**

Ordinances shall be introduced by members of the City Council in one of the following ways:

A. With the recognition of the Mayor, a member may, in the presence and hearing of a majority of the members elected to the City Council, read aloud the substance of the proposed ordinance and file a copy with the City Clerk for future consideration; or

B. With the recognition of the Mayor, a member may present the proposed ordinance to the Clerk who, in the presence and hearing of a majority of the members elected to the City Council, shall read aloud the substance of the ordinance and file it for future consideration. (Amended by Ord. No. 522, 2/16/98)

### **§1-603 ORDINANCES; RESOLUTIONS AND MOTIONS.**

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the members elected to the Council. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Council. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

### **§1-604 ORDINANCES; STYLE.**

The style of all City ordinances shall be: "Be it ordained by the Mayor and Council of the City of Oakland, Nebraska..." (Ref. 17-613 RS Neb.)

### **§1-605 ORDINANCES; TITLE.**

No ordinance shall contain a subject not clearly expressed in its title. (Ref. 17-614 RS Neb.)

### **§1-606 ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS; READING; PASSAGE.**

Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the City Council vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case

such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the City Council may require a reading of any ordinance in full before enactment under either procedure set out in this section. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Council. On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the City Council, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Council shall be required. All appointments of the officers by the City Council shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a City which utilizes an electronic voting device which allows the yeas and nays of each member of the Council to be readily seen by the public. (Ref. 17-614, 17-616 RS Neb.) (Amended by Ord. No. 523, 2/16/98)

#### **§1-607 ORDINANCES; PUBLICATION OR POSTING.**

All ordinances of a general nature shall, before they take effect, be published one time, within 15 days after they are passed: (A) in a newspaper published in the City or, if no paper is published in the City, then by posting a written or printed copy in each of three public places in the City; or (B) in book or pamphlet form. (Ref. 17-613 RS Neb.) (Amended by Ord. No. 524, 2/16/98)

#### **§1-608 ORDINANCES; CERTIFICATE OF PUBLICATION OR POSTING.**

The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the City from the City Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published or when, and by whom, and where the same was posted. (Ref. 17-613 RS Neb.)

#### **§1-609 ORDINANCES; EMERGENCY ORDINANCES.**

In the case of riot, infectious or contagious diseases or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, any emergency ordinance shall take effect upon the proclamation of the Mayor and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency and be passed by a three-fourths vote of the City Council, and entered upon the City Clerk's minutes. (Ref. 17-613 RS Neb.)

#### **§1-610 ORDINANCES; AMENDMENTS AND REVISIONS.**

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. (Ref. 17-614 RS Neb.)