S.T.A.R.T. Economic Development Action Step Packet - Municipal Management Options

Center for Public Affairs Research (CPAR)

University of Nebraska at Omaha

Follow this and additional works at: https://digitalcommons.unomaha.edu/cparpubarchives

Part of the Demography, Population, and Ecology Commons, and the Public Affairs Commons

Please take our feedback survey at: https://unomaha.az1.qualtrics.com/jfe/form/SV_8cchtFmpDyGfBLE

Recommended Citation

https://digitalcommons.unomaha.edu/cparpubarchives/329
Professional Management Options for Nebraska Cities

A S.T.A.R.T. Economic Development Action Step Packet

Produced by
The Center for Public Affairs Research
and
The Department of Public Administration
College of Public Affairs and Community Service
University of Nebraska at Omaha

Copyright 1991 © Board of Regents, University of Nebraska. All rights reserved.
Professional Management Options for Nebraska Cities

Why is Effective Management of Your City Important at This Time?

The need for professional city staff to address issues such as the city’s role in economic development, city budgeting, grant writing, comprehensive planning, zoning, capital improvement planning and maintenance may have emerged as a major issue during your S.T.A.R.T. Economic Development strategic planning sessions.

This action step packet provides an overview of alternative strategies that you might consider to improve the quality of management in your city or village. It provides you with the following information to assist you in determining an appropriate course of action for your community:

- Help on evaluating your current city management.
- Suggestions on improving city management capacity.
- Information on the forms of government available to your community.
- The case for professional management.
- A suggested action approach to determining and implementing your decision.

Following this report, you will find reprints of pertinent articles, copies of applicable statutes of the State of Nebraska and other information to be used as resources for developing action steps to address the quality of management in your city or village. These materials provide a base to which you will add your own ideas in developing this part of the local economic action plan. A list of organizations and people who can help you is also included.

How to Tell if Your City Needs More Adequate Management

Local government provides the infrastructure or foundation for any effective economic development program. Key government services and facilities
must function before effective economic development strategies can succeed. The following questions will help evaluate those items in your city:

Does the city provide and maintain in good condition the streets, water supply system, sewage system and other public works facilities?

Does the city provide an effective level of police and fire services?

Does the community have access to adequate leisure facilities such as parks, playgrounds and libraries?

Does the city have a comprehensive plan, subdivision regulations, a land use plan and zoning to ensure appropriate development?

City government is frequently one of the largest businesses in the community. Does your city implement sound personnel practices including a current job classification plan, a current pay plan, written personnel policies, and an effective training program? Does your city implement sound finance practices including written purchasing policies, an effective accounting system, and capital improvement planning?

Does the city have the capacity to participate in economic development activities such as grant writing and implementation, and use of special financing techniques?

If your evaluation indicates that the City does not, or is not able to, effectively fulfill these needs, you will want to consider alternatives for improving the ability of your city government to provide those services.

**Alternatives for Improving Management Capacity**

There are three basic ways in which you can increase the management capacity of your city.

- **Improve the knowledge, skills and abilities currently available to your city government.** Small communities may sometimes find it difficult to allocate sufficient funds to employ an additional person with professional training or experience to manage the day to day affairs of the city's business. In this situation the city should consider providing increased training and assistance to existing competent staff such as a clerk-treasurer or a public works superintendent. This will enhance the individual's knowledge and skills in areas of community need. In addition, the community should evaluate the extent to which there may be
sufficiently skilled volunteers available in the city and prevail on them to serve as resource persons for the city government.

- **Employ permanent professional support from a “circuit rider” or a Council of Governments.** This option can be approached in two ways. First, the community could employ a manager or administrator jointly with another community. Such an arrangement will require careful definition of the working relationships with each of the communities and careful definition of the responsibilities of the individual. A second approach would be to contract with a council of governments for the services of a qualified professional administrator or manager. Again, definition of responsibility is an important aspect of such an arrangement. Either would provide the community with the benefits of part-time professional management.

- **Employ a full-time professional manager or administrator.** This will require change in the formal structure of the city government. Two specific forms of professional city management are available in Nebraska: the council-manager form (referred to as the city manager plan) and the mayor-council-administrator form. These are discussed in detail in a later section.

**Value of Professional Management in City Government**

Local government has become increasingly complex and more technical in nature. Therefore, elected officials in an increasing number of large, medium and small cities have recognized the benefits of employing a person with professional management skills to administer the day to day affairs of city operations. A professional manager or administrator makes available to the city the types of knowledge, skills and abilities needed to operate its’ business. The administrator or manager can perform the following functions for a city:

- Provide administrative leadership for the organization and manage day to day operations.

- Implement sound financial management practices, including effective budgeting, sound risk management practices, proper cash management, and sound accounting practices.

- Implement sound personnel practices consistent with federal and state legal requirements while also fostering good employee relations.

---

• Implement or guide the implementation of sound planning practices including comprehensive land use planning and zoning, appropriate subdivision regulation, and logical development of the community.

• Assist or provide leadership in economic development through grant writing, facilitating use of various economic development financing tools, and helping municipal employees support job development.

• Recommend policies and practices which will provide an appropriate infrastructure—streets, sewers, water systems and other physical facilities—needed to support future development.

• Recommend policies and practices which will provide appropriate levels of police protection and fire prevention and suppression services for the community and provide for the implementation of those policies and practices.

• Recommend and implement policies and practices which will provide appropriate leisure services for the community.

• Represent the city in a variety of relationships with citizens, organizations and governments.

• Support economic development efforts of the community by identifying available resources such as grant and loan programs and special financing techniques, and planning for industrial sites.

• Develop a working partnership with elected city officials and increase the effectiveness and efficiency of city services.

A manager or administrator is appointed by and responsible to the mayor and city council for day to day operations of city government. The manager or administrator normally is a full-time, paid public servant, hired on the basis of professional skills, training and experience.
Specific examples of duties involved in the following functions normally include:

**Management and Leadership**
- Implement council adopted policy through staff and budget control.
- Keep the mayor and council informed about the operations of the city, including its financial condition.
- Make policy recommendations to the mayor and city council consistent with sound management practices.
- Attend all meetings of the City council.
- Ensure that all ordinances and policies adopted by the mayor and council are applied or enforced equitably throughout the community.

**Personnel**
- Appoint and discipline (for cause) employees on the basis of merit. (Under the mayor-council-administrator form such action is subject to mayor and council approval.)
- Ensure that the staff consists of trained, competent professionals with appropriate experience for their individual positions.
- Recommend salary and pay schedules for appointive positions in the city's service.

**Finance**
- Prepare, with the assistance of appropriate staff, the proposed annual budget for submission to the mayor and council for their approval and adoption.
- Supervise the acquisition of all materials, supplies and equipment to ensure that items are purchased within the approved budget and applicable laws.

**Representing the City**
- Represent the city organization to individual citizens, community groups, reporters, operators of local businesses and others who request meetings with the manager or administrator.
- Develop and maintain effective working relationships with representatives of other subdivisions of government in the area, and with appropriate agencies of the state and federal government. This will enhance opportunities for intergovernmental cooperation and improvement of community services.
- Develop and maintain effective working relationships with private sector organizations, including economic development organizations.
The Roles of the Mayor and Council When There is a Professional Manager

Sometimes individuals who are not sufficiently informed about the role of a professional administrator or manager are concerned that employment of a professional manager will reduce the "control" which the mayor and council exercise over the operations of the city. Actually, the opposite is true. The roles of mayor and council change in the following ways; they:

- Hire the professional manager or administrator on the basis of skills, training and experience appropriate to their community.
- Maintain general oversight of the city's operations, but are freed of the details of day to day operations. The council can, therefore, focus its full attention on the many policy issues facing the community. One mayor has been quoted as saying that the council could focus "on the horizon rather than the potholes."
- Serve as the elected representatives of the people. They have the power to make corrections between elections if problems develop in the management of the city's operations.
- Decide various policy issues facing the city using the professional expertise and advice of the manager or administrator as well as the input of the citizens in the community. The mayor and city council define the public purposes which will be addressed by the city through various actions, including the adoption of the city budget.

Some Costs and Benefits of Professional Management

Managers or administrators are currently employed in at least 37 first and second class Nebraska cities. The smallest of these cities is Wakefield (1980 population 1,170) and the largest is Grand Island (1980 population 39,100). In a 1990 survey which did not include all Nebraska cities, salaries for administrators and managers ranged from $33,600 to $61,100. The salary paid by a community will depend, of course, on the size of the city and the experience and training sought by the mayor and city council. The Nebraska City Management Association can provide current data on cities of comparable size.

These professional salary expenditures are an investment in the quality of services and facilities of the community. Citizens can anticipate receiving competent and professionally managed local government, competent provision of government programs, efficient use of the city's personnel, financial resources, and facilities, and effective planning and delivery of services. The following examples are from cities with professional managers or administrators:
- LaVista and Papillion implemented a joint police investigation team to address law enforcement issues common to both communities. The program improved the quality of services and received national recognition.

- Columbus used a combination of private and public funds to construct a public swimming pool which served as a supplemental reservoir for fire protection, reducing fire insurance costs for a new industry. This program resulted in cost savings to the community, encouraged economic development, and also received national recognition.

- Scottsbluff contracts to enforce building codes in neighboring Gering. It also contracts to provide law enforcement for the Village of Terrytown. Both contracts provided for increased efficiencies for the communities involved.

- Scottsbluff also contracted with Scotts Bluff County to jointly operate and maintain a seep water and flood control drain to minimize flood hazards in the city as well as in the adjacent rural areas.

- Norfolk has established personnel practices which have served as models for other communities. Sound personnel practices improve the quality of municipal services while reducing a city's liability risks.

- Several cities, including Lexington, have been directly involved in successful negotiations for economic development activities. This partnership enhances the community's potential for success in economic development.

As each community's needs vary, so do the potential benefits of a professional city manager. The leaders of your community need to evaluate the potential benefits appropriate to your governmental needs.

The Alternative Forms of Nebraska City Government

The Nebraska statutes authorize several forms of government for Second Class (under 5,000 population) and First Class (5,000 population or greater) cities in Nebraska. The statutes authorize two forms of government which provide for a professional manager or administrator. The "City Manager Plan" (Chapter 19, Article 6) provides a referendum process to adopt the provisions of the Article implementing what is usually referred to as the council-manager form of government. The key sections of the Article are included in Appendix A. An alternative to the council-manager form is the
mayor-council-administrator form which the city council may adopt by ordinance. A sample ordinance is Appendix B.

City Manager Plan (Chapter 19, Article 6), also known as the council-manager plan:

Adopted or repealed by referendum, the City Manager Plan provides that the city council will consist of 5 members in cities with less than 25,000 population and 5 or 7 members in cities between 25,000 and 40,000 population. Council members are elected at large unless the city council by ordinance provides that all or some of them are elected by wards. The mayor is elected by the council from its membership, is president or chair of the council, and provides policy leadership for the city. The mayor is a member of the council and does not have veto powers. The mayor and council, as a collegial body, are responsible for setting policy, approving the budget and determining the tax rate. They hire the city manager to carry out their policies and to perform the duties discussed above and more specifically identified in the statute, Appendix A. The manager serves at the pleasure of the mayor and council.

City Manager Plan
Commission Form (Chapter 19, Article 4)

Under this form, the members of the city council hold both the executive and legislative powers of the city. There is no provision for a professional manager or administrator. Only one Nebraska community still operates under the commission form.

Mayor-Council Form (Chapter 16, Article 1; Chapter 17, Article 1)

Under this form the mayor is designated as the head of the city government. The mayor's executive duties usually include the hiring and firing of department heads subject to council approval, preparation and administration of the budget, and veto power (which may be overridden) over the acts of the legislature. In First Class cities, the city council consists of 8 members elected from four wards. In Second Class cities, the city council consists of four to twelve members elected from two to six wards as determined by ordinance adopted by the council. The council may organize in committees dealing with specific subjects or departmental activities. The council adopts the budget, passes resolutions and ordinances, audits the performance of the government and adopts general policy positions.
Mayor-Council-Administrator Form
(Chapter 17, Article 1; Chapter 16, Article 3, Section 16-308)

This form is a modification of the mayor-council form providing for the addition of an administrator to the city’s organizational structure. The administrator is normally appointed by the mayor, subject to approval by the city council, and is assigned administrative responsibilities by ordinance. These duties normally include recommending the hiring and/or firing of department heads and appointed city officials, subject to mayor and council approval, hiring and firing of other employees, preparation of the budget, and, depending on the duties assigned in the authorizing ordinance. The statutes regarding the appointment of administrators in Cities of the Second Class are not as clear or specific as the provisions for Cities of the First Class.

Mayor-Council-Administrator Form

Note: Organization may vary between cities depending on provisions of local ordinance.
Steps in Determining the Form of City Government

Your S.T.A.R.T strategic planning activities have resulted in your interest in improving the quality of your city's management, planning, level or quality of municipal services, and the quality of life provided or proposed for the citizens of your community.

While municipal government does not function like private business, it can provide services in an effective and efficient manner. You have probably identified goals or strategies that suggest that the city government can operate in a more "business-like" manner. The following steps are designed to help you determine how these goals can best be achieved and, in particular, whether professional management will help.

Step 1—Organize a citizens' group to coordinate the evaluation.

Your S.T.A.R.T steering committee may be an existing group of local citizens to initiate the evaluation process. Alternatively, you may wish to restructure the committee or organize a new community or citizens committee representing all sectors of the community (civic organizations, service clubs, religious organizations, the mayor and city council) to provide as broad a basis for decision making as possible. Participation of the current mayor and city council or their representatives is very important to the process.

Step 2—More specifically identify the improvements needed in the provision of city services.

How do the goals and strategies you have identified relate to improved coordination of city services? How do they relate to improved physical or organizational planning? Purchasing policies? Better training for city personnel? More efficient use of resources? A better program of street, water system, or sewer system maintenance? Reduction of the liabilities faced by the city? Identify these issues as specifically as possible so that you can also determine whether a professional manager or administrator can help provide the desired improvement.

Step 3—Invite experts to provide information to the committee.

Experts or consultants cannot tell you how you should organize your city government. However, they can comment on what is taking place in other communities of similar size and how those communities are addressing similar issues. Some of these resources are available at little or no cost. These would include mayors and council members from nearby communities that employ managers or administrators, the managers or administrators of those communities, and information from the Nebraska City Management Association, the International City Management Association, and the League of Nebraska Municipalities. Technical assistance can also be obtained from the Department of Public Administration and the Center for Public Affairs Research, University of Nebraska at Omaha at a reasonable cost.
Who the community will want to invite to provide assistance will depend, of course, on the particular issues which have been identified. Questions should be carefully formulated in advance of the meeting. This step should also provide a forum for public participation. This step provides an excellent opportunity to understand how other communities are handling similar problems.

Step 4 – Determine potential costs and benefits of alternative plans.

If the employment of a professional manager or administrator appears appropriate for the community, you should estimate the costs involved, the potential savings, and the other benefits in terms of improved services, etc. and decide whether the benefits justify the costs. At this point, you may reach one of three general conclusions.

You may decide that the projected benefits do not justify the anticipated costs and that the present form of government is providing or is capable of providing the quality of services desired by the community. If so, you should cease the evaluation process and make plans for the community to assist the mayor and council in moving forward with community goals and strategies.

You may conclude that the projected benefits do not justify the anticipated costs of a full-time administrator or manager but that the present form of government probably will not achieve the quality of services desired by the community. If so, you may want to consider employment of a “circuit riding” city manager or administrator shared with one or more communities. This has been successful in other communities as discussed in Appendix C. Alternatively, you might contract for professional services from your regional council of governments, or re-assign an existing competent employee, providing additional management training opportunities for that individual and assigning administrative responsibilities to that person. While initially less costly, this last alternative requires additional time for the employee to develop administrative or managerial competence.

Finally, you may conclude that the benefits do justify the costs involved and that the community should proceed with plans to employ a full-time professional manager or administrator. This leads to the next step.

Step 5 – Determine whether the council-manager form (city manager plan) or the mayor-council-administrator form is most suitable for the community.

Two primary advantages exist in the city manager plan. First, it is adopted by the voters of the community and can only be repealed by the voters of the community. This provides a degree of permanence and stability for the process. Second, the statute sets forth uniform and specific responsibilities for the city council, the mayor and the city manager.

Two concerns are frequently raised about the city manager plan. One is the issue of at-large versus ward elections. As mentioned previously, the city
manager plan in its basic form provides for at-large elections. However, if desired, the city council can provide for ward elections by ordinance. A second concern is the ability of the mayor to provide meaningful policy leadership for the community. The plan places administrative responsibility on the manager, but the mayor and council continue to be responsible for policy determination. There are many examples of strong political and policy leadership provided by mayors in council-manager governments in cities throughout Nebraska and the nation. These include Scottsbluff, Kearney and cities as large as Cincinnati, Ohio, Phoenix, Arizona, San Diego, California, and Dallas and San Antonio, Texas.

If a decision is made to proceed with the city manager plan the committee should seek legal assistance to structure the issue for the ballot. The committee should also initiate an active citizen education program to explain the benefits of the city manager.

One attraction of the mayor-council-administrator form of government is that it can be adopted much more easily than the council-manager form. It is superimposed on the existing system by adoption of an ordinance by the City Council. This avoids the more time consuming process of an election. This form is also more flexible since the council may provide that the city administrator has more or less responsibility than administrators in other cities.

These features may also be the form’s major weakness. Council action can easily repeal the provisions for professional administration or significantly reduce the effectiveness of that position.

If the mayor-council-administrator approach is selected as the preferred alternative, the committee should assist the council in developing an ordinance providing for the position of city administrator.

Obtaining Approval of the Preferred Form of Government

City Manager Plan

If your citizen group decides to propose the city manager plan, two options exist to place the proposal on the ballot. One is for the current city council to pass an ordinance calling for an election. The second is to initiate the change by a petition signed by registered voters equal to 20% of the number of voters who voted in the last municipal general (November) election. The issue must be placed on the ballot in compliance with the provisions of Chapter 19, Article 6 of the Nebraska Statutes and may not be placed on the ballot again within two years.

Step 1—Convince the city council to place the proposal on the ballot or initiate a petition to place the issue on the ballot.

In either case, the city attorney or a private attorney must be used to ensure that the language of any ordinance, petition and the ballot is phrased to comply with the requirements of State statutes.
Step 2—Initiate a public information campaign.

It is very important for the citizen group that supports the adoption of the plan to inform citizens as to projected benefits and costs of the proposed changes and to inform the voters regarding the future responsibilities of the mayor, council and manager if the form of government is changed. If the proposed change is initiated by the mayor and city council, they should obtain the support of a citizens committee to assist in disseminating information.

Be prepared with reliable information to respond to inaccurate information which may be on the "grapevine" of the community or publicly stated by opponents to the proposal. Members of the Nebraska City Management Association as well as mayors and council members from cities organized under the city manager plan statutes are usually very willing to assist in explaining how and why the system has worked effectively in their communities. The Association has several other informational documents which are referenced in Appendix D. The Nebraska City Management Association, in cooperation with the University of Nebraska at Omaha, has also produced a videotape which features discussion of the value of professional management by a number of elected officials. Additional information can be obtained from the Nebraska City Management Association, the International City Management Association and the League of Nebraska Municipalities. The International City Management Association has an excellent leaflet "The Council-Manager Plan: Answers to Your Questions" which can be used for distribution or as a source to prepare your own material. The Association also has a comprehensive collection of other information contained in a packet entitled "Responsive Local Government."

Mayor-Council-Administrator Plan

If the preferred plan is the mayor-council-administrator plan, Step 1 would be substantially the same as under the council-manager plan, except that the information should be modified to reflect the differences between the two plans.

Step 2—Provide information to the city council to facilitate their adopting the proposal.

Much of the information relating to the value of the council-manager form of government also apply to encouraging the city council to employ an administrator. The mayor and council should be provided with one or more "model" ordinances as a starting point for an ordinance tailored to your community. Again, it is important that the city attorney be involved early.
Endnotes


Cunningham, Andrew F. “Nebraska Municipal Government in Action - A Comparison of the Manager and Administrator Governments.” Lincoln, NE: Department of Political Science, University of Nebraska at Lincoln, 1977.


Revised Statutes of Nebraska 1943, Volume 1A, Chapters 16 through 19, Lincoln, Nebraska.

Svara, James H. “Understanding the Mayor’s Office in Council-Manager Cities,” Popular Government (Fall, 1985), Chapel Hill, NC: Institute of Government, University of North Carolina at Chapel Hill,
Appendices
Appendix A

Excerpts from Revised Statutes of Nebraska

Chapters 16, 17, and 19
CHAPTER 16
CITIES OF THE FIRST CLASS

Cross References

Constitutional provisions:
Charter, adoption and amendment, see Article XI, sections 2 to 5, Constitution of Nebraska.
City property, exemption from taxation, see Article VIII, section 2, Constitution of Nebraska.
Corporate debts, private property not liable, see Article VIII, section 7, Constitution of Nebraska.
Donations to railroads and internal improvements, consent of electors required, see Article XIII, section 2.
Consitution of Nebraska.
Special assessments, power to levy, see Article VIII, section 5, Constitution of Nebraska.
Taxes, other than special assessments, uniform, see Article VIII, section 6, Constitution of Nebraska.
Taxes not imposed on city or inhabitant by Legislature, for corporate purposes, see Article VIII, section 7.
Consitution of Nebraska.
Assessment tax, see section 18-1203 et seq.
Aviation fields, see Chapter 18, article 15.
Bids for public work, opened in bidders' presence at hour bids closed, see Chapter 73.
Bonds and indebtedness:
Compromise of indebtedness, see Chapter 10, article 3.
Railroad aid bonds, etc., see Chapter 10, article 4.
Refunding bonds, see Chapter 10, article 6.
Registration of bonds, see Chapter 10, articles 1 and 2.
Warrants, see Chapter 77, article 22.
Bridges, interstate, aid for, see Chapter 39, article 8.
Charter conventions, see Chapter 19, article 5.
City manager plan, see Chapter 19, article 6.
Commission form of government, see Chapter 19, article 4.
Community nurse, employment, see Chapter 71, article 17.
Contracts, bond required of contractors, see sections 52-118 to 52-118.02.
Fire department tax, see Chapter 18, article 12.
Firefighters, hours of duty, see section 35-302.
Gasoline tax, allocation, see section 39-2402.
Heating and lighting systems, see sections 19-1401 to 19-1404.
Jails, see Chapter 47, articles 2 and 3.
Library, council may establish, see Chapter 51, article 2.
Liquor, regulation of, see Chapter 53.
Municipal election code, see Chapter 19, article 30.
Name, change of, see Chapter 61.
Officers:
Bonds and oath, see Chapter 11.
Contracts, must not be interested in, see Chapter 18, article 3.
Favors, acceptance prohibited, see Chapter 18, article 3.
Vacancies, how filled, see sections 32-1037 to 32-1045.
Pawnbrokern, regulation of, see Chapter 69, article 2.
Public meetings, requirements, see Chapter 84, article 14.
Public utility districts, see Chapter 18, article 4.
Schools:
Buildings, use for public assemblies, see section 79-4,142.
Compulsory attendance, see Chapter 79, article 2.
Shade trees, see Chapter 18, article 8.
Tax sale, city may purchase at, see section 77-1810.
Workers' compensation, city subject to, see Chapter 48, article 1.
Zoning, city planning, see Chapter 19, article 9.

ARTICLE 1
INCORPORATION, EXTENSIONS, ADDITIONS, WARDS

16-101. Cities of the first class, defined; population required. All cities having more than five thousand and not more than one hundred thousand inhabitants, as may be ascertained and officially promulgated by the United States or under the authority of the State of Nebraska or by the authority of the mayor and city council of any such city, shall be known as cities of the first class.

Source: Laws 1901, c. 18, § 1, p. 226; R.S.1913, § 4904; C.S.1922, § 3972; C.S.1929, § 16-101; R.S.1943, § 16-101; Laws 1965, c. 85, § 3, p. 328.
16-102. Cities; attainment of required population; incorporation as first-class city. Whenever any city of the second class attains a population of more than five thousand inhabitants as provided by section 16-101, the mayor of such city shall certify such fact to the Secretary of State who upon the filing of such certificate shall by proclamation declare such city to be a city of the first class. Upon such proclamation being made by the Secretary of State, every officer of such cities shall within thirty days thereafter qualify and give bond as provided by sections 16-219, 16-304, and 16-318.


16-103. Cities; reorganization as first-class city, when effective; procedure. (1) After the proclamation, the city shall be governed by the laws of this state applicable to cities of the first class, except that the government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the first class. If a city of the second class becomes a city of the first class, the governing body shall call a special election for the purpose of electing new members of the city's governing body to be held not more than eight months after the proclamation is issued.

(2) For the purpose of electing city officials under the provisions of law relating to cities of the first class, the term of office for such officials shall be established by the city's governing body so as to conform with the intent and purpose of section 16-302.01. The mayor and council members of the city of the second class shall hold office only until the newly elected city officials assume office. All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any such city at the time of its incorporation as a city of the first class shall remain in full force and effect after such incorporation until repealed or modified by the city within one year after the date of the filing of the certificate pursuant to section 16-102.

Source: Laws 1901, c. 18, § 3, p. 227; R.S.1913, § 4806; C.S.1922, § 3974; C.S.1929, § 16-103; R.S.1943, § 16-103; Laws 1984, LB 1119, § 2.

16-104. Wards; election districts. The mayor and council shall divide the city into not less than four wards, as compact in form and equal in population as may be, the boundaries of which shall be defined by ordinance, to take effect at the next annual city election after reorganization. The division into not less than four wards shall be made as soon as possible after August 26, 1983. Each ward shall constitute an election district; Provided, when any ward shall contain over five hundred legal voters, the mayor and council may divide such ward into two or more election districts.

ARTICLE 3
OFFICERS, ELECTIONS, EMPLOYEES


16-302.01. Officers; election; term; nomination; procedure; names placed on ballot; election of candidates; charter provisions authorized. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and one or two council members from each ward, who shall be electors of the city and residents of the ward from which elected, except that there shall be at least four council members. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203-01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 32-227.01, 32-4,146 to 32-4,151, 32-502, 32-504, 32-512, 32-513, 32-1051, 35-506, 79-516.D4, 79-516.06, 79-701, and 79-803.03.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) All elected officers in a first-class city shall serve for a term of four years and until their successors are elected and have qualified.

(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(5) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.
(9) Any city of the first class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.


16-304. Council; members; bond; payment of premium; amount; conditions.
Each council member, before entering upon the duties of his or her office, shall be required to give bond to the city, with two or more good and sufficient sureties or some responsible surety company; if by two sureties, they shall each justify that he or she is worth, at least, two thousand dollars over and above all debts and exemptions. Such bonds shall be in the sum of one thousand dollars, and shall be conditioned for the faithful discharge of the duties of the council member giving the same, and shall be further conditioned that if the said council member shall vote for any expenditure or appropriation of money or creation of any liability in excess of the amount allowed by law, such council member, and the sureties signing said bond, shall be liable thereon. Said bond shall be filed with the city clerk and approved by the mayor, and upon the approval, the city may pay the premium for such bond. Any liability sought to be incurred, or debt created in excess of the amount limited or authorized by law, shall be taken and held by every court of the state as the joint and several liability and obligation of the council member voting for and the mayor approving the same, and not the debt, liability or obligation of the city. Voting for or approving of such liability, obligation or debt shall be conclusive evidence of malfeasance in office for which such council member or mayor may be removed from office.


16-305. Mayor and council members; qualifications; officers and employees; merger of offices or employment; salaries. The mayor and members of the council of a first-class city shall be residents and qualified electors of the city. Except as provided in section 70-624.04, they shall not hold any other elective public office.

All officers and employees of the city shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, subject to the limitations set forth in this section. The local governing body of the city may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined.

16-306. Second-class city; reorganization as first-class city; council member; continuance in office. In any city which may become a city of the first class any council member, whose term shall extend through another year by reason of his or her prior election under the provisions governing cities of the second class, shall hold his or her office as a council member from the ward in which he or she is a resident, as if he or she were elected under the provisions of sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 32-227.01, 32-4,146 to 32-4,151, 32-502, 32-504, 32-512, 32-513, 32-1051, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03.


Cross Reference
For reorganization as first-class city, see section 16-102 et seq.

16-307. Electors; qualifications; canvass of returns; failure to qualify; vacancy, how filled. All properly registered voters, who shall reside within the limits of the city on or before election day, shall be entitled to vote at all municipal elections. The county canvassing board shall canvass all returns at the same time and in the same manner as the other returns are canvassed, and the county clerk or election commissioner shall issue the certificates of nomination or election the same as all other certificates, and a neglect of any such officer to qualify within ten days after the delivery to him or her of such certificate shall be deemed a refusal to accept the office to which he or she may have been elected. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office on account of disqualification, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in sections 32-4,152 and 32-1045. An incumbent council member shall be eligible for the appointment.


16-308. Administrator and other appointive officers; enumerated; appointment and removal. 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, with the approval of the city council, appoint 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 not be held by the mayor. The appointed administrator may concurrently hold any other appointive office provided for in this section and section 16-325.

Source: Laws 1901, c. 18, § 14, p. 233; Laws 1903, c. 19, § 2, p. 233; Laws 1907, c. 13, § 1, p. 107; R.S.1913, § 4874; Laws 1917, c. 95, § 1, p. 252; Laws 1921, c. 164, § 1, p. 657; C.S.1922, § 4042; C.S.1929, § 16-304; R.S.1943, § 16-308; Laws 1953, c. 26, § 1, p. 110; Laws 1961, c. 41, § 1, p. 171; Laws 1963, c. 61, § 2, p. 254; Laws 1974, LB 1024, § 1; Laws 1975, LB 93, § 1; Laws 1976, LB 782, § 12.
16-309. Appointive officers; terms. 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, except the chief of the fire department whose term of office shall be for one year only, and until their successors are appointed and qualified, unless sooner removed, or the ordinance creating the office shall be repealed, except as otherwise herein provided.

Source: Laws 1901, c. 18, § 15, p. 233; Laws 1903, c. 19, § 3, p. 234; R.S.1913, § 4875; C.S.1922, § 4043; C.S.1929, § 16-305.

16-310. Officers and employees; salaries fixed by ordinance. The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance.

Source: Laws 1901, c. 18, § 17, p. 234; Laws 1901, c. 19, § 1, p. 306; Laws 1903, c. 19, § 4, p. 234; Laws 1907, c. 13, § 1, p. 108; R.S.1913, § 4876; Laws 1915, c. 85, § 2, p. 224; Laws 1917, c. 95, § 1, p. 253; Laws 1919, c. 36, § 1, p. 117; C.S.1922, § 4044; C.S.1929, § 16-306; Laws 1943, c. 30, § 1, p. 139; R.S.1943, § 16-310; Laws 1947, c. 25, § 1, p. 126; Laws 1955, c. 29, § 1, p. 134; Laws 1963, c. 62, § 1, p. 255; Laws 1965, c. 50, § 1, p. 251; Laws 1969, c. 75, § 1, p. 404.


16-311. Officers; qualifications. All elected officers shall be qualified electors of the city.

Source: Laws 1901, c. 18, § 18, p. 234; Laws 1907, c. 13, § 1, p. 108; R.S.1913, § 4877; Laws 1917, c. 95, § 1, p. 254; C.S.1922, § 4045; C.S.1929, § 16-307; Laws 1931, c. 31, § 1, p. 122; C.S. Supp., 1941, § 16-307; R.S.1943, § 16-311; Laws 1969, c. 76, § 1, p. 405.

Section.
16-312. Mayor; powers and duties.

16-312. Mayor; powers and duties. The mayor shall preside at all the meetings of the city council and shall have the right to vote when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the council. He or she shall have the superintending control of all the officers and affairs of the city and shall take care that the ordinances of the city and the provisions of law relating to cities of the first class are complied with. He or she may administer oaths and shall sign the commissions and appointments of all the officers appointed in the city.


16-313. Mayor; veto power; passage over veto. The mayor shall have the power to approve or veto any ordinance passed by the city council, and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim; Provided, any ordinance, order, bylaw, resolution, award or vote to enter into any contract, or the allowance of any claim vetoed by the mayor, may be passed over his veto by a vote of two-thirds of all the members elected to the council, notwithstanding his veto. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award or vote to enter into any contract, or the allowance of any claim, and returns the same with his objection in writing at the next regular meeting of the council, the same shall become a law without his signature. The mayor may veto any item or items of any appropriation
bill, and approve the remainder thereof, and the item or items so vetoed may be
passed by the council over the veto as in other cases.

Source: Laws 1901, c. 18, § 20, p. 234; R.S.1913, § 4879; C.S.1922, § 4047; C.S.1929,
§ 16-309.

16-314. Mayor; legislative recommendations; jurisdiction. The mayor shall,
from time to time, communicate to the city council such information and recom­
mend such measures as in his opinion may tend to the improvement of the finances
of the city, the police, health, comfort, and general prosperity of the city, and may
have such jurisdiction as may be invested in him by ordinance over all places within
two miles of the corporate limits of the city, for the enforcement of health or
quarantine ordinances and the regulation thereof.

Source: Laws 1901, c. 18, § 21, p. 235; Laws 1901, c. 19, § 2, p. 307; R.S.1913, § 4880;
C.S.1922, § 4048; C.S.1929, § 16-310.

16-315. Mayor; absence or disability; power of president. In case of any vacancy
in the office of mayor, or in case of his absence or disability, the president of
the council shall exercise the powers and duties of the office of mayor until such
vacancy shall be filled or such disability removed, or in case of temporary absence
until the mayor returns, and shall perform such other duties as may be required by
law.

Source: Laws 1901, c. 18, § 22, p. 235; R.S.1913, § 4881; C.S.1922, § 4049; C.S.1929,
§ 16-311.

16-325. Board of public works; appointment; oath; terms; duties; removal from
office. (1) There may be in each city a board of public works which shall consist of
three members, each having a three-year term of office, or five members, each
having a five-year term of office, the number to be set by ordinance, which members
shall be residents of such city and be appointed by the mayor by and with the assent
of the council. When such board is first established, one member shall be appointed
for a term of one year, one for two years, and one for three years and, in the case
of a five-member board, an additional member shall be so appointed for four years
and another for five years. Thereafter, as their terms expire, all members shall be
appointed for a full term of three or five years as the case may be. The mayor, by
and with the assent of the council, shall designate one of the members of such board
to be the chairperson thereof.

(2) Each of the members of the board of public works shall, before entering
upon the discharge of his or her duties, take an oath to discharge faithfully the
duties of the office.

(3) It shall be the duty of the board of public works to (a) make contracts on
behalf of the city for the performance of all such work and erection of all such
improvements in the manner provided in section 16-321, (b) superintend the
performance of all such work and the erection of all such improvements, (c)
approve the estimates of the city engineer, which may be made from time to time,
of the value of the work as the same may progress, (d) accept any work done or
improvements made when the same shall be fully completed according to contract,
subject to the approval of the mayor and council, and (e) perform such other duties
as may be conferred upon such board by ordinance.

(4) Any member of the board of public works may at any time be removed from
office by the mayor and a majority of the council, and the proceedings in regard
thereto shall be entered in the journal of the council.

Source: Laws 1901, c. 18, § 70, p. 283; R.S.1913, § 4891; C.S.1922, § 4059; Laws
1925, c. 44, § 2, p. 175; C.S.1929, § 16-321; R.S.1943, § 16-325; Laws 1947,
c. 26, § 3, p. 129; Laws 1953, c. 26, § 2, p. 111; Laws 1965, c. 52, § 1, p. 255;
16-326. Elective officers; compensation; change during term prohibited; exception. The emoluments of any elective officer shall not be increased or diminished during the term for which he was elected, except that when there are officers elected to the council, or to a board or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of such council, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he was elected when, during the same time, the emoluments have been increased.


16-327. Officers; reports required. The mayor or council shall have power, when he, she, or they deem it necessary, to require any officer of the city to exhibit his or her accounts or other papers and make reports to the council, in writing, touching any subject or matter they may require pertaining to the office.

Source: Laws 1901, c. 18, § 33, p. 239; R.S.1913, § 4893; C.S.1922, § 4061; C.S.1929, § 16-323; R.S.1943, § 16-327; Laws 1979, LB 80, § 27.
CHAPTER 17
CITIES OF THE SECOND CLASS AND VILLAGES

Cross References

Constitutional provisions:
City property, exemption from taxation, see Article VIII, section 2, Constitution of Nebraska.
Corporate debts, private property not liable, see Article VIII, section 7, Constitution of Nebraska.
Industrial development, authorization for municipality to own or lease property for development, see Article
XIII, section 2, Constitution of Nebraska.
Special assessments, power to levy, see Article VIII, section 6, Constitution of Nebraska.
Taxes, not imposed on city or inhabitants, by Legislature, for corporate purposes, see Article VIII, section 7
Constitution of Nebraska.
Taxes, other than special assessments, uniform, see Article VIII, section 6, Constitution of Nebraska.
Amusement tax, see sections 18-1203 to 18-1207.
Aviation fields, see Chapter 18, article 15.
Bids for public work, opened in bidders' presence at hour bids closed, see Chapter 73.
Bonds and indebtedness:
Comromise of indebtedness, see Chapter 10, article 3.
Railroad aid and other internal improvement work bonds, see Chapter 10, article 4.
Registration of bonds, see Chapter 10, articles 1 and 2.
Cemetery board, see Chapter 12, article 4.
City manager plan, see Chapter 19, article 6.
Commission form of government, see Chapter 19, article 4.
Community nurse, employment, see sections 71-1637 to 71-1639.
Contracts, bond required of contractors, see sections 52-118 to 52-118.02.
Fire department tax, see Chapter 18, article 12.
Heating and lighting systems, see sections 19-1401 to 19-1404.
Jails, see Chapter 47, articles 2 and 3.
Library, free public, see Chapter 51, article 2.
Liquor, regulation of, see Chapter 33.
Name, change of, see Chapter 61.
Officers:
Bonds and oaths, see Chapter 11.
Contracts, must not be interested in, see Chapter 18, article 3.
Favors prohibited, see sections 18-305 to 18-312.
Vacancies, how filled, see sections 32-1037 to 32-1045.
Pawnbrokers, regulation of, see Chapter 69, article 2.
Public meetings, requirements, see sections 84-1408 to 84-1414.
Public utility districts, see Chapter 18, article 4.
School buildings, use for public assemblies, see section 79-4,142.
Shade trees along streets, see Chapter 18, article 8.
Tax sale, city or village may purchase at, see section 77-1810.
Workers' compensation, subject to, see Chapter 48, article 1.
Zoning act, city planning, see Chapter 19, article 9.

ARTICLE 1
LAWS APPLICABLE ONLY TO CITIES OF THE SECOND CLASS

17-101. Cities of the second class, defined; population; exception. All cities, towns, and villages containing more than eight hundred and not more than five thousand inhabitants shall be cities of the second class and be governed by the provisions of sections 17-101 to 17-153, unless they adopt a village government as provided in sections 17-306 to 17-309.

Source: Laws 1879, § 1, p. 193; Laws 1885, c. 16, § 1, p. 156; R.S.1913, § 4993; C.S.1922, § 4162; C.S.1929, § 17-101; R.S.1943, § 17-101; Laws 1971, L.B.

17-102. Wards; number; how determined. Each city of the second class shall be divided into not less than two nor more than six Wards, as may be provided by ordinance of the city council thereof; and each ward shall contain, as nearly as practicable, an equal portion of the population.
17-103. **City council; members; number; qualifications.** The council shall consist of not less than four nor more than twelve citizens of said city, who shall be qualified electors under the Constitution and laws of the State of Nebraska.


17-104. **City council; members; election; ties, how resolved; vacancy, how filled.** Each ward of each city shall have at least two councilmen, who shall be chosen in the manner provided in Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03. No person shall be eligible to the office of councilman who is not at the time of the election an actual resident of the ward for which he or she is elected and a qualified registered elector under the Constitution and laws of the State of Nebraska; and if any councilman shall remove from the ward for which he or she is elected, his or her office as a councilman shall thereby become vacant. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office, on account of disqualification, as provided by law or otherwise, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in sections 32-4,152 and 32-1045. Whenever there shall be a tie on the election of councilmen, it shall be determined by lot by the duly authorized canvassing board.


17-105. **City council; meetings.** Regular meetings of the city council shall be held at such times as the council may provide by ordinance.

Source: Laws 1879, § 5, p. 194; R.S.1913, § 4997; C.S.1922, § 4166; C.S.1929, § 17-105.

17-106. **City council; special meetings.** The mayor or any three councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

Source: Laws 1879, § 13, p. 195; R.S.1913, § 4998; C.S.1922, § 4167; C.S.1929, § 17-106.

17-107. **Officers; election; appointment; terms; removal.** A mayor shall be elected in the manner provided in Chapter 32, or as provided in sections 16-302.01, 16-306, 17-102, 17-104, 17-107, 17-202 to 17-203.01, 17-701, 19-404, 19-405, 19-408, 19-411, 19-418, 19-432, 19-619, 19-621, 19-3002, 23-1312, 35-506, 79-516.04, 79-516.06, 79-701, and 79-803.03. Any vacancy in the office of mayor shall be filled as provided in section 17-115. When the successful candidate for mayor shall be prevented from assuming office, because of disqualification, or otherwise, the incumbent mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in section 17-115. When the successful candidate for mayor shall be prevented from assuming office, because of disqualification, or otherwise, the incumbent mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in section 17-115. If the president of the council shall for any cause assume the office of mayor for the unexpired term, there shall be a
vacancy on the council which vacancy shall be filled as provided in section 32-4,152.

The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary. All police officers appointed by the mayor and council shall be removable at any time by the mayor.


17-107.02. Officers, election; term; nomination; procedure. (1) Commencing with the primary election in 1976, and every two years thereafter, all elected officers in all second-class cities shall be nominated at the statewide primary election and elected at the statewide general election.

(2) All elected officers in a second-class city shall serve for a term of four years and until their successors are elected and have qualified.

(3) If the number of candidates properly filed for nomination at the primary election shall not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(4) When any village by law becomes a second-class city, and adopts the second-class city form of government, and such second-class city is holding its initial election of all officers, the city clerk, county clerk, or election commissioner shall place the names of the candidates receiving the greatest number of votes at the primary election, if one was held, on the general election ballot, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. At the first election, one-half or the bare majority of the candidates in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(5) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(6) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(7) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the
order of their filing. The term of office of all such members shall commence on the
first regular meeting of the board in December following their election.

Source: Laws 1975, LB 323, § 5; Laws 1977, LB 201, § 5; Laws 1979, LB 421, § 3;
Laws 1981, LB 446, § 3.

17-108. Officers; salaries. The officers and employees of the city shall receive
such compensation as the mayor and council shall fix by ordinance.

Source: Laws 1879, § 7, p. 195; Laws 1881, c. 23, § 2, p. 168; Laws 1911, c. 16, § 1,
p. 133; R.S.1913, § 5000; Laws 1919, c. 46, § 1, p. 130; C.S.1922, § 4169;
135; Laws 1947, c. 31, § 1(1), p. 140; Laws 1949, c. 21, § 1, p. 92; Laws 1953,
c. 33, § 1, p. 123; Laws 1969, c. 89, § 1, p. 452.


17-108.02. Mayor and council members; qualifications; officers and employees;
merger of offices or employment; salaries. The mayor and members of the council
of second-class cities shall be residents and qualified electors of the city. Except
as provided in section 70-624.04, they shall not hold any other elective public office.

All officers and employees of the city shall receive such compensation as the
mayor and council may fix at the time of their appointment or employment, subject
to the limitations set forth in this section. The local governing body of the city may,
at its discretion, by ordinance combine and merge any elective or appointive office
or employment, except mayor and council member, with any other elective or
appointive office or employment so that one or more of such offices or employ­
ments may be held by the same officer or employee at the same time. The offices
or employments so merged and combined shall always be construed to be separate
and the effect of the combination or merger shall be limited to a consolidation of
official duties only. The salary or compensation of the officer or employee holding
the merged and combined offices or employments or offices and employments
shall not be in excess of the maximum amount provided by law for the salary or
compensation of the office, offices, employment, or employments so merged and
combined. For purposes of this section, volunteer firefighters and ambulance
drivers shall not be considered officers.

Source: Laws 1879, § 7, p. 195; Laws 1881, c. 23, § 2, p. 168; Laws 1911, c. 16, § 1,
p. 133; R.S.1913, § 5000; Laws 1919, c. 46, § 1, p. 130; C.S.1922, § 4169;
Laws 1943, c. 30, § 2, P. 140; R.S.1943, § 17-108; Laws 1945, c. 25, § 1, p.
135; Laws 1947, c. 31, § 1(3), p. 140; Laws 1949, LB 1145, § 2; Laws 1964,
LB 568, § 2; Laws 1984, LB 682, § 7.


17-110. Mayor; general duties and powers. The mayor shall preside at all
meetings of the city council, and may vote when his or her vote shall be decisive
and the council is equally divided on any pending matter, legislation, or transaction,
and the mayor shall, for the purpose of such vote, be deemed to be a member of
the council. He or she shall have superintendence and control of all the officers
and affairs of the city, and shall take care that the ordinances of the city and all
laws governing cities of the second class are complied with.

Source: Laws 1879, § 10, p. 195; R.S.1913, § 5002; C.S.1922, § 4171; C.S.1929, §
17-110; R.S.1943, § 17-110; Laws 1957, c. 55, § 3, p. 266; Laws 1975, LB
17-111. Mayor; ordinances; veto power; passage over veto. The mayor shall have
power to veto or sign any ordinance passed by the city council; Provided, any
ordinance vetoed by the mayor may be passed over his veto by a vote of two-thirds
of the members of the council. If the mayor neglects or refuses to sign any
ordinance, and return the same with his objections in writing at the next regular
meeting of the council, the same shall become a law without his signature.
Source: Laws 1879, § 11, p. 195; R.S.1913, § 5003; C.S.1922, § 4172; C.S.1929, §
17-111.

17-112. Mayor; recommendations to city council. The mayor shall, from time
to time, communicate to the city council such information and recommend such
measures as, in his opinion, may tend to the improvement of the finances, the
police, health, security, ornament, comfort, and general prosperity of the city.
Source: Laws 1879, § 12, p. 196; R.S.1913, § 5004; C.S.1922, § 4173; C.S.1929, §
17-112.

17-113. Mayor; reports of officers; power to require. The mayor shall have the
power, when he deems it necessary, to require any officer of the city to exhibit his
accounts or other papers, and to make reports to the council, in writing, touching
any subject or matter pertaining to his office.
Source: Laws 1879, § 14, p. 196; R.S.1913, § 5005; C.S.1922, § 4174; C.S.1929, §
17-113.

17-114. Mayor; territorial jurisdiction. The mayor shall have such jurisdiction
as may be vested in him by ordinance, over all places within five miles of the
corporate limits of the city, for the enforcement of any health or quarantine
ordinance and regulation thereof, and shall have jurisdiction in all matters vested
in him by ordinance excepting taxation, within one-half mile of the corporate limits
of said city.
Source: Laws 1879, § 15, p. 196; R.S.1913, § 5006; C.S.1922, § 4175; C.S.1929, §
17-114.

17-115. Mayor; vacancy or disability; power of president of council. In the case
of any vacancy in the office of mayor, or in case of his disability or absence, the
president of the council shall exercise the office of mayor for the unexpired term
until such vacancy is filled or such disability is removed, or in case of temporary
absence, until the mayor returns.
Source: Laws 1879, § 16, p. 196; R.S.1913, § 5007; C.S.1922, § 4176; C.S.1929, §


17-117. Mayor; remission of fines; pardons; powers. The mayor shall have
power to remit fines and forfeitures, and to grant reprieves and pardons for all
offenses arising under the ordinances of the city.
Source: Laws 1879, § 18, p. 196; R.S.1913, § 5009; C.S.1922, § 4178; C.S.1929, §
17-117.

17-118. Police; arrest; power. The police officers of the city shall have the power
to arrest all offenders against the laws of the state or of the city, by day or by night,
in the same manner as the sheriff and to keep such offenders in the city prison or
other place to prevent their escape until trial can be had before the proper officer.
Source: Laws 1879, § 19, p. 197; R.S.1913, § 5010; C.S.1922, § 4179; C.S.1929, §
17-118; R.S.1943, § 17-118; Laws 1988, LB 1030, § 5. Effective date April
14, 1998.
17-119. Overseer of streets; duties. The overseer of the streets shall, subject to
the orders of mayor and council, have general charge, direction, and control of all
work on the streets, sidewalks, culverts, and bridges of the city, and shall perform
such other duties as the council may require.
Source: Laws 1879, § 21, p. 197; R.S.1913, § 5012; C.S.1922, § 4181; C.S.1929, §
17-120.

17-120. Public morals; protection; billiard halls; power to license. A city of the
second class shall have power to restrain, prohibit, and suppress houses of prostitu-
tion and unlicensed tippling shops, gambling and gambling houses, and other
disorderly houses and practices, and all kinds of public indecencies, and all
lotteries or fraudulent devices and practices for the purpose of obtaining money
or property, except that nothing in this section shall be construed to apply to bingo,
lotteries, lotteries by the sale of pickle cards, or rattles conducted in accordance
with the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska
Lottery and Raffle Act, or the Nebraska Small Lottery and Raffle Act. It may
license, regulate, or prohibit billiard halls and billiard tables, pool halls and pool
tables, and bowling alleys.
Source: Laws 1879, § 39, I, p. 201; Laws 1881, c. 24, § 1, p. 194; R.S.1913, § 5014;
Laws 1917, c. 99 § 1, p. 263; C.S.1922, § 4183; C.S.1929, § 17-122; R.S.1943,
§ 17-120; Laws 1986, LB 1027, § 189.

Cross References
Nebraska Bingo Act, see section 9-201.
Nebraska Lottery and Raffle Act, see section 9-401.
Nebraska Pickle Card Lottery Act, see section 9-301
Nebraska Small Lottery and Raffle Act, see section 9-501.
CHAPTER 19
CITIES AND VILLAGES; LAWS APPLICABLE TO MORE THAN ONE AND LESS THAN ALL CLASSES

Petition for abandonment of city manager plan of government, see section 662.

ARTICLE 6
CITY MANAGER PLAN
(Applicable to cities of 1,000 population or more and less than 200,000.)

(a) GENERAL PROVISIONS

Section.
19-601. Terms, defined.
19-602. Population; how determined.
19-603. Charter and general laws; force and effect.
19-604. Ordinances; resolutions; regulations; force and effect.

(b) ADOPTION AND ABANDONMENT OF PLAN

19-605. City manager plan; petition for adoption; election.
19-606. City manager plan; adoption or abandonment; election.
19-607. Election; ballot; form.
19-608. Election; adoption of plan when effective; rejection; resubmission.
19-609. City manager plan; abandonment; petition; election.
19-610. Local charters; right to adopt.

(c) CITY COUNCIL

19-611. City council; powers.
19-612. Council members; number; term; election by wards, when authorized; vacancy; nomination; procedure.
19-613. Council members; qualifications; forfeiture of office; grounds; court review.
19-613.01. Council members; elected for a ward; election; ballots; recall election.
19-614. Council; vacancy, how filled.
19-615. Council; meetings; quorum.
19-616. Appointive or elected official; compensation; no change during term of office.
19-617. Council; organization, when; president; powers.
19-617.01. Council; president and vice president; extension of term; expiration.
19-618. Council; city manager; appointment; investigatory powers of council.
19-619. Appropriations and expenses; revision; power of first council.
19-620. Council; departments and offices; control.

(d) NOMINATIONS AND ELECTIONS

19-621. Elections; when held.
19-623. Council members; nominating petitions; signatures required.
19-624. Council members; nominating petitions; form.
19-627. Elections; primary and general; laws applicable.

(e) RECALL

(f) INITIATIVE AND REFERENDUM


(g) CITY MANAGER

19-645. City manager; how chosen; qualifications; salary.
19-646. City manager; powers; duties.
19-647. City manager; investigatory and inquisitional powers.
19-648. City manager; bond; premium; payment.

(h) CIVIL SERVICE BOARD


(i) PETITION FOR ABANDONMENT

19-662. Plan of government; abandoning; petition; filing; election.

(a) GENERAL PROVISIONS

19-601. Terms, defined. Wherever the term this act appears in sections 19-601 to 19-648, it shall be construed as referring exclusively to those sections. The term city as used in this act includes any city having a population of one thousand or more and less than two hundred thousand.


The sections in this article relate to cities operating under the city manager plan. State ex rel. Warren v. Kleman, 178 Neb. 364, 134 N.W. 2d 254.

19-602. Population; how determined. For the purposes of this act, the population of a city shall be the number of inhabitants as ascertained by the last state census or United States census, whichever shall be later.


Cross Reference

"This act", defined, see section 19-601.

19-603. Charter and general laws; force and effect. The charter and all general laws governing any city shall continue in full force and effect, except that insofar as any provisions thereof are inconsistent with this act, the same shall be superseded in any city upon the taking effect of this act therein.


Cross Reference

"This act", defined, see section 19-601.

19-604. Ordinances; resolutions; regulations; force and effect. All valid ordinances, resolutions, orders or other regulations of a city, or any authorized body or official thereof, existing at the time this act becomes applicable to the city, and not inconsistent with its provisions, shall continue in full force and effect until amended, repealed or otherwise superseded.

Cross Reference

"This act", defined, see section 19-601.

(b) ADOPTION AND ABANDONMENT OF PLAN

19-605. City manager plan; petition for adoption; election. Whenever electors of any city, equal in number to twenty percent of those who voted at the last regular city election, shall file a petition with the city clerk, asking that the question of organizing the city under the plan of government provided in this act be submitted to the electors thereof, said clerk shall within one week certify that fact to the council of the city, and the council shall, within thirty days, adopt a resolution to provide for submitting such question at a special election to be held not less than thirty days after the adoption of the resolution except as provided in this section. Any such election shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. If such petition is filed not more than one hundred eighty days nor less than seventy days prior to the regular municipal statewide primary or statewide general election, the council shall adopt a resolution to provide for submitting such question at the next such election.


Cross Reference

"This act", defined, see section 19-601.

19-606. City manager plan; adoption or abandonment; election. The proposition to adopt or to abandon the plan of government provided in this act, shall not be submitted to the electors of any city later than sixty days before a regular municipal election. If, in any city, a sufficient petition is filed requiring that the question of adopting the commission plan of city government, or the question of choosing a convention to frame a charter, be submitted to the electors thereof, or if an ordinance providing for the election of such a charter convention is passed by the city council, the proposition to adopt the plan of government provided in this act shall not be submitted in that city so long as the question of adopting such plan of government, or of choosing such convention, or adopting a charter framed by it, is pending.


Cross References

"This act", defined, see section 19-601.

Petition for abandonment of city manager plan of government, see section 19

19-607. Election; ballot; form. In submitting the question of adopting the plan of government provided in this act the city council shall cause to be printed on the ballots the following question: Shall the city manager plan of government as provided in (giving the legal designation of this act as published) be adopted? Immediately following such question there shall be printed on the ballots the following propositions in the order here set forth: For the adoption of the city manager plan of government and Against the adoption of the city manager plan of government. Immediately to the left of each proposition shall be placed a square in which the electors may vote by making a cross (X) mark.


Cross Reference

"This act", defined, see section 19-601.
19-608. Election; adoption of plan; when effective; rejection; resubmission. If the plan of government provided in this act is approved by a majority of the electors voting thereon, it shall go into effect immediately, insofar as it applies to the nomination and election of officers provided for herein, and in all other respects it shall go into effect on the first Monday following the next regular municipal election. If the proposition to adopt the provisions of this act is rejected by the electors, it shall not again be submitted in that city within two years thereafter.

Source: Laws 1917, c. 208, § 9, p. 499; C.S.1922, § 4546; C.S.1929, § 19-609.

Cross Reference

"This act", defined, see section 19-601.

19-609. City manager plan; abandonment; petition; election. Any city which shall have operated four years under the plan provided in this act may abandon such organization and either accept the provisions of the general law applicable to such city, or adopt any other optional plan or organization open thereto. The petition for abandonment shall designate the plan desired, and the following proposition shall be submitted: Shall the city of (......................) abandon the city manager plan of government and adopt the (name of plan) as provided in (giving the legal designation of the law as published)? If a majority of the votes cast thereon be in favor of such proposition, the officers elected at the next regular municipal election shall be those prescribed by the laws designated in the petition, and upon the qualification of such officers the city shall become organized under said law. Such change shall not affect the property right or ability of any nature of such city, but shall extend merely to its form of government.

Source: Laws 1917, c. 208, § 10, p. 499; C.S.1922, § 4547; C.S.1929, § 19-610.

Cross References

"This act," defined, see section 19-601.
Petition for abandonment of city manager plan of government, see section 19-662.

19-610. Local charters; right to adopt. Nothing in this act shall be construed to interfere with or prevent any city at any time from framing and adopting a charter for its own government as provided by the state Constitution. In exercising the right to frame its own charter, it shall not be obligatory upon any city to adopt or retain any of the provisions of this act.

Source: Laws 1917, c. 208, § 11, p. 500; C.S.1922, § 4548; C.S.1929, § 19-611.

Cross Reference

"This act", defined, see section 19-601.

(c) CITY COUNCIL

19-611. City council; powers. The governing body of the city shall be the city council, which shall exercise all the powers which have been or may be conferred upon the city by the Constitution and laws of the state, except as herein otherwise provided.


19-612. Council members; number; term; election by wards, when authorized; vacancy; nomination; procedure. (1) The number of council members shall be determined by the class and population of the city as follows: In all cities having not more than forty thousand inhabitants, five; in cities having more than forty thousand inhabitants, seven; Provided, that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance provide for seven council members. Council members shall be elected from the city at large...
unless the city council by ordinance provides for the election of all or some of its council members by wards, the number and boundaries of which are provided for in section 16-104. Council members shall serve for a term of four years and until their successors are elected and have qualified, except at the first election hereunder or the first election under an ordinance changing the number of council members or their manner of election. Such first election shall take place at the next regular city election and shall be for all council members irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those council members in office whose terms have not otherwise expired. If all council members shall be elected at large at the first election hereunder, the bare majority of council members receiving the highest number of votes shall serve for four years and the others for only two years. At the first election under an ordinance changing the number of council members or their manner of election, one-half or the bare majority of council members elected at large, as the case may be, receiving the highest number of votes, shall serve for four years and the other for only two years. At such first election, one-half or the bare majority of council members, as the case may be, elected by wards, shall serve for four years and the others for only two years, as provided in the ordinance. If only one council member is to be elected at large at such first election such member shall serve for four years. If a vacancy occurs in the office of ward council member, a successor council member shall be elected in the ward at the next regular city election to serve for the remainder of the term; Provided, a majority of the remaining members of the council shall appoint a resident and qualified elector of the ward to serve as council member until the successor is so elected and has qualified.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a board that would expire prior to the first regular board meeting in December 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December 1976, and prior to the first regular board meeting in December 1978, is hereby extended to the first regular board meeting in December 1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the city manager form of government, the first election of officers shall be as provided in subsection (1) of this section.

(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a council member, such person shall not be entitled to a certificate of nomination at a statewide primary election, nor have his or her name placed on the general election ballot unless such person shall have received not less than twenty percent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at the election commissioner’s office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.
(8) Then more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of such board in December following their election.


19-613. Council members; qualifications; forfeiture of office; grounds; court review. Members of the council shall be residents and qualified electors of the city. Except as provided in section 70-624.04, they shall not hold any other elective public office or any other office or employment of the city. Any council member who shall cease to possess any of the qualifications herein required, or who shall have been convicted of a crime while in office, shall forthwith forfeit such office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.


19-613.01. Council members; elected for a ward; election; ballots; recall election. Any council member to be elected for a ward, or an appointed successor in the event of a vacancy, shall be a resident and a qualified elector of such ward. The council member shall be nominated and elected in the same manner as provided for at-large candidates, except that only residents and registered electors of the ward may participate in the signing of nomination petitions. All nominating petitions and ballots shall clearly identify the ward from which such person shall be a candidate. The ballots within a ward shall not contain the names of ward candidates from other wards. The printed ballots for each ward shall list the candidates in the order of filing affidavits of nomination or petitions by date and hour with the county clerk or election commissioner. The recall procedure shall apply to a ward council member except that only registered voters of such member's ward may sign a recall petition or vote at the recall election which shall be held within the ward only.


19-614. Council; vacancy, how filled. Vacancies in the council except as otherwise provided herein, shall be filled by a majority vote of the remaining members until the next regular city election, when a successor shall be chosen by the electors for the unexpired term. If for any reason the seats of a majority of the council shall become vacant, the city clerk shall call a special election to fill the vacancies for
the unexpired portion of each term, which election shall be conducted as provided for the regular city election. A vacancy in any office to which the council elects shall be filled by the council for the unexpired term.


19-615. Council; meetings; quorum. On the first Tuesday in December following the general election in every even-numbered year, the council shall meet in the usual place for holding meetings and the newly elected council members shall assume the duties of their office. Thereafter the council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class. The mayor, any two council members or the city manager may call special meetings of the council upon at least six hours' written notice. The meetings of the council and sessions of committees of the council shall be public. A majority of the members shall constitute a quorum, but a majority vote of all the members elected shall be required to pass any measure or elect to any office.


19-616. Appointive or elected official; compensation; no change during term of office. The annual compensation of the mayor and a council member in cities adopting this act shall be payable quarterly in equal installments, and shall be fixed by the council. The emoluments of any appointive or elective officer shall not be increased or diminished during the term for which such officer was elected or appointed, except that when there are officers elected or appointed to the council, or a board or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of such council, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which such person was elected or appointed when, during the same time, the emoluments have been increased. For each absence from regular meetings of the council, unless authorized by a two-thirds vote of all members thereof, there shall be deducted a sum equal to two percent of such annual salary. Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by the council by resolution setting forth such excuse and entered upon the journal.


Cross Reference

"This act", defined, see section 19-601.

19-617. Council; organization, when; president; powers. On the first Tuesday in December following the general election in every even-numbered year, the council shall elect one of its members as president, who shall be ex officio mayor, and another as vice president, who shall serve in the absence of the president. In the absence of the president and the vice president the council may elect a temporary chairperson. The president shall preside over the council, and have a voice and vote in its proceedings but no veto. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In addition, he shall exercise such other powers and perform such duties, not inconsistent with the provisions of this act, as are conferred upon the mayor of the city.

19-618. Council; city manager; appointment; investigatory powers of council. The council shall choose a city manager, a city clerk, and, where required, a civil service commission, but no member of the council shall be chosen as manager or as a member of the civil service commission. Neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager or in any manner seek to prevent him or her from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. The council, or a committee thereof, may investigate the affairs of any department or the official acts and conduct of any city officer. It shall have power to administer oaths and compel the attendance of witnesses and the production of books and papers and may punish for contempt any person failing to obey its subpoena or refusing to testify. No person shall be excused from testifying, but his or her testimony shall not be used against him or her in any criminal proceeding other than for perjury.


Cross Reference
"This act", defined, see section 19-601.

19-619. Appropriations and expenses; revision; power of first council. If, at the beginning of the term of office of the first council elected under this act, the appropriations or distribution of the expenditures of the city government for the current fiscal year have been made, the council shall have power, by ordinance, to repeal or revise such distribution, or to make additional appropriations within the limit of the total taxes levied for the year.


Cross Reference
"This act", defined, see section 19-601.

19-620. Council; departments and offices; control. The council shall have authority, subject to the provisions of this act, to create and discontinue departments, offices and employments, and by ordinance or resolution to prescribe, limit or change the compensation of such officers and employees; provided, however, that nothing herein contained shall be so construed as to interfere with or to affect the office or powers of city school or school district officers, or of any officer named in the state Constitution.

Source: Laws 1917, c. 208, § 21, p. 503; C.S.1922, § 4558; C.S.1929, § 19-621.

Cross Reference
"This act", defined, see section 19-601.

19-627. Elections; primary and general; laws applicable. All elections in the city adopting this act shall be held, conducted, and the results canvassed and certified in the manner, and by the election authorities, prescribed by the general election laws, except as herein otherwise provided. In any city, to which as to city elections the primary election laws do not apply, the primary election provided for herein
shall be governed by the general law, so far as applicable and not inconsistent herewith, for holding the regular city election therein.


Cross Reference

"This act", defined, see section 19-601.

(e) RECALL


(f) INITIATIVE AND REFERENDUM


(g) CITY MANAGER

19-645. City manager; how chosen; qualifications; salary. The chief executive officer of the city shall be a city manager, who shall be responsible for the proper administration of all affairs of the city. He shall be chosen by the council for an indefinite period, solely on the basis of administrative qualifications, and need not be a resident of the city or state when appointed. He shall hold office at the pleasure of the council, and receive such salary as it shall fix by ordinance. During the absence or disability of the city manager the council shall designate some properly qualified person to perform the duties of the office.

Source: Laws 1917, c. 208, § 46, p. 510; C.S.1922, § 4583; C.S.1929, § 19-646.

19-646. City manager; powers; duties. The powers and duties of the city manager shall be (1) to see that the laws and ordinances are enforced, (2) to appoint and remove all heads of departments and all subordinate officers and employees in the departments in both the classified and unclassified service, which appointments shall be upon merit and fitness alone, and in the classified service all appointments and removals shall be subject to the civil service provisions of the Civil Service Act, (3) to exercise control over all departments and divisions thereof that may be created by the council, (4) to attend all meetings of the council with the right to take part in the discussion but not to vote, (5) to recommend to the council for adoption such measures as he or she may deem necessary or expedient, (6) to prepare the annual budget and keep the council fully advised as to the financial condition and needs of the city, and (7) to perform such other duties as may be required of him or her by this act or by ordinance or resolution of the council.


Cross References

"This act", defined, see section 19-601.

Civil Service Act, see section 19-1825.

19-647. City manager; investigatory and inquisitional powers. The city manager may investigate at any time the affairs of any department or the conduct of any officer or employee. He, or any person or persons appointed by him for the
purpose, shall have the same power to compel the attendance of witnesses and the
production of books and papers and other evidence, and to punish for contempt,
which has herein been conferred upon the council.


19-648. City manager; bond; premium; payment. Before taking office the city
manager shall file with the city clerk a surety company bond, conditioned upon the
honest and faithful performance of his duties, in such sum as shall be fixed by the
council. The premium of this bond shall be paid by the city.


(h) CIVIL SERVICE BOARD


(i) PETITION FOR ABANDONMENT

19-662. Plan of government; abandoning; petition; filing; election. Whenever
electors of any city, equal in number to thirty percent of those who voted at the last
regular city election, shall file a petition with the city clerk, asking that the question
of abandoning the plan of government provided by the provisions of Chapter 19,
article 6, be submitted to the electors thereof, such clerk shall within one week
certify that fact to the council of the city, and the council shall, within thirty days,
adopt a resolution to provide for submitting such question at the next regular
municipal election after adoption of the resolution. When such a petition is filed
with the city clerk within a seventy-day period prior to a regular municipal election,
the resolution adopted by the city council shall provide for the submission of such
question at the second regular municipal election thereafter as provided by law.

Source: Laws 1974, LB 897, § 3.
Appendix B
ORDINANCE NO.

AN ORDINANCE CREATING THE OFFICE OF CITY ADMINISTRATOR; SETTING FORTH POWERS AND DUTIES OF THE CITY ADMINISTRATOR; SETTING COMPENSATION; PROVIDING FOR APPOINTMENT AND REMOVAL; AND DESIGNATING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA.

Section 1. CREATION OF OFFICE

There is hereby created and established an Office of City Administrator. The purpose of the office of City Administrator is to provide for the centralization of the administrative responsibilities of all affairs of the City which are under the direction of the Mayor and Council.

Section 2. POWERS AND DUTIES

The City Administrator shall be the administrative head of the City government under the direction and control of the Mayor and Council and shall be responsible to the governing body for the efficient conduct of his office. The City Administrator shall be responsible to see that all the ordinances of the City are faithfully executed. In addition to the general authority as administrative head, and not as a limitation thereof, it shall be the duty of the City Administrator:

a. To attend all meetings of the City Council with the duty of reporting any matter concerning City affairs under his supervision and direction; and to attend such other meetings of departments and officials as his duties may require, or as may be directed by the Mayor and Council.

b. To make investigations into all of the affairs of the City and to make recommendations to the Mayor and Council for the adoption of such measures and ordinances as are deemed necessary or expedient for the good government of the City.

c. To supervise and analyze the functions, duties, and activities of the various departments, divisions, and services of the City and of all employees thereof, and to make recommendations regarding the same to the Mayor and Council; and to faithfully carry out the directives and recommendations of the Mayor and Council in coordinating the administrative functions and operations of the various departments, divisions, and services.

d. To prepare and keep up-to-date an inventory of all real and personal property and other public property that the City owns or has an interest in; and to act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and material which may be required by the various departments, divisions, and services of the City, subject to procedures established by the Mayor and City Council.

e. To keep the Mayor and Council fully advised as to the financial condition of the City and its needs, and he shall be responsible for the preparation of the annual estimates of revenues and expenditures of a proposed budget for the presentation of a complete financial plan for the City to
the Mayor and Council prior to the consideration and adoption of the annual appropriations ordinance by the governing body. With the adoption of the budget and the passage of the appropriations ordinance by the governing body, the City Administrator shall be responsible for the supervision and control of the budget expenditures.

f. To prepare and submit to the Mayor and Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

g. To recommend to the Mayor and Council the appointment and dismissal of all department heads over which he exercises jurisdiction. The Administrator is responsible for the appointment and dismissal of all subordinate employees in the departments, divisions, and services over which he exercises jurisdiction according to the limitations and provisions of the City Civil Service laws. He may also provide for the transfer of such employees within such departments, divisions, and services to meet the varying workload emergencies.

h. To serve as public relations officer of the City government; to endeavor to investigate and adjust all complaints made or filed against the city government or against any department, division, service, officer, or employee thereof; and to cooperate with all community organizations whose aim and purpose is to advance the best interests of the City and its citizens.

i. To perform such other duties and exercise such other powers as may be required by ordinance, or prescribed by resolution of the Mayor and Council.

j. The City Administrator shall work within the policies set forth by the Mayor and Council. The City Administrator shall deal with the Mayor and Council as a body. All official City affairs and all reports shall be provided to the Mayor and Council.

Section 3. APPOINTMENT AND REMOVAL

The City Administrator shall be appointed by the Mayor with the approval of a majority of the elected members of the Council. He shall serve until the end of the term of office of the mayor, and may be removed at any time upon notice given by the Mayor with the approval of a majority of the elected members of the Council. In the event the City Administrator shall be absent from the City or is incapable of discharging such duties, responsibilities and powers for any reason the Mayor shall act as City Administrator during such absence or incapacity.

Section 4. QUALIFICATIONS

The City Administrator shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience, or his knowledge of, accepted practice in respect to the duties of his office. At the time of his appointment he need not be a resident of Norfolk but during the term of office he shall reside in Norfolk.
Section 5. COMPENSATION

The salary of the City Administrator shall be fixed by ordinance of the Mayor and Council.

Section 6. DIRECTION AND CONTROL OF CITY DEPARTMENTS

The Mayor and Council reserve the right to make inquiries of any personnel relative to municipal activities. Except for purposes of inquiry, the City Council shall deal with the administrative services of the City through the administrator and neither the Council nor members thereof shall give orders directly to any subordinate of the City Administrator.

Section 7. POLITICAL ACTIVITY PROHIBITED

The City Administrator shall not participate in a local election that affects the offices of Mayor, City Councilman, or any other elective municipal position, except for the casting of an individual ballot.

Section 8. BOND

The City Administrator shall have on file with the City Clerk a bond in favor for the City for the faithful performance of his duties and responsibilities in the amount fixed by ordinance. The premium for such bond shall be a City expense.

Section 9. REPEAL OF CONFLICTING SECTIONS OF ORDINANCES

All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 10. EFFECTIVE DATE

This ordinance shall become effective upon its passage, approval and publication according to law.

Passed and approved this 4th day of August, 1980.

ATTEST:

City Clerk

President of the Council

First reading
Second reading
Third reading
Appendix C

City Managers/Administrators

List of Circuit Rider
**Colorado 1989**

2/08/89

**LIST OF CIRCUIT RIDER MANAGERS**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Title</th>
<th>Town</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Randie</td>
<td>Barthlome</td>
<td>Manager</td>
<td>Fowler</td>
<td>1,207</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Ordway</td>
<td>1,254</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Sugar City</td>
<td>401</td>
</tr>
<tr>
<td>Ed</td>
<td>Ericson</td>
<td>Manager</td>
<td>Dacono</td>
<td>2,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Firestone</td>
<td>1,373</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Hudson</td>
<td>895</td>
</tr>
<tr>
<td>Gary</td>
<td>West</td>
<td>Manager</td>
<td>Lochbuie</td>
<td>967</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Mead</td>
<td>444</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Wellington</td>
<td>1,334</td>
</tr>
<tr>
<td>Jack</td>
<td>Yates</td>
<td>Manager</td>
<td>Calhan</td>
<td>700</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager</td>
<td>Elizabeth</td>
<td>1,064</td>
</tr>
</tbody>
</table>

**Sources of Information for Circuit Rider Programs**

Colorado Municipal League  
1155 Sherman St.  
Suite 210  
Denver, Colorado 80203

**Director**  
Executive Office of Communities and Development  
The Commonwealth of Massachusetts  
Room 1804  
100 Cambridge Street  
Boston, Massachusetts 02202

**Director**  
Bureau of Local Government Services  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania

Oneida County, New York

Humboldt County, California

Municipal Leagues in California, Iowa, Minnesota, New York, Oklahoma, Pennsylvania and Wisconsin
DECA CIRCUIT RIDER ALUMNI

Scanley D. Bechtle
(Address Unknown)

Clyde Bell
P.O. Box 156
Antlers, OK 74523
405/298-5844

Mike Drea
705 Woodlawn Drive
Yukon, OK 73085
405/354-1797

Paul Buntz, City Manager
City of Durant
P.O. Box 578
Durant, OK 74701

Wes Devera, City Manager
City of Stroud
P.O. Box 500
Stroud, OK 74079
918/968-2890

Earl English
P.O. Box 473
Tishomingo, OK 73460
405/371-3252

Mary Fugett
1505 Marydale
Midwest City, OK 73130
405/732-0877

Leroy Hawkins
Ass’t. City Manager
City of Shawnee
P.O. Box 1448
Shawnee, OK 74801
405/273-1250

Joan Hobowsky
1220 S. Peoria
Tulsa, OK 74120
918/583-4185

Bruce Niemi, City Manager
City of Grove
P.O. Box 1268
Grove, OK 74344
918/786-6107

Ben Hynum
P.O. Box 1925
Grove, OK 74344
918/786-6549

Pat Long
Ass’t. City Manager
City of Del City
P.O. Box 15177
Del City, OK 73155
405/677-5741

Angela Monson
1904 N. Peach Tree
Oklahoma City, OK 73121
405/427-3575

Paul O’Keefe, Administrator
City of Hominy
P.O. Box 219
Hominy, OK 74035
918/885-2164

Alan Parham
4018 Bluff Drive
Sallisaw, OK 74095
918/775-5709

Thomas Ray, City Manager
City of Comanche
115 N. 2nd St.
Comanche, OK 73529
405/439-8832

Bill Rowton, City Manager
City of Healdton
P.O. Box 926
Healdton, OK 73438
405/229-1283

Rick Weddle, Vice President
Economic Development
Tulsa Metropolitan Chamber of Commerce
616 S. Boston
Tulsa, OK 74119
918/585-1201

Shane Woolbright, Director
Municipal Electric Systems of Oklahoma
O.M.L.
201 N.E. 23rd Street
Oklahoma City, OK 73105
405/528-7575
DECA CIRCUIT RIDER ALUMNI (Cont'd.)

Nolan Combs
City Manager
City Hall, 301 North Main
Kingfisher, OK 73750
405/375-3705

Jack Yates, City Manager
P.O. Box 198
Newcastle, Colorado 81647

Dale Block, Circuit Rider
INCOG
707 S. Houston
Tulsa, OK 74127
918/587-3178

CIRCUIT RIDER ASSOCIATES

Don Morrison, Circuit Rider
NODA
3201 Santa Fe Trail
Enid, OK 73701

Doug Bishop, City Manager
City of Blackwell
P.O. Box 350
Blackwell, OK 74631
405/363-4312

CIRCUIT RIDER ADVISORY COMMITTEE FOR MUNICIPAL MANAGEMENT ASSISTANCE PROGRAM IN OKLAHOMA

Bill Moyer (Chairman)
Associate Director
Oklahoma Municipal League
201 N.E. 23rd Street
Oklahoma City, OK 73105
405/528-7515

Ron Bourbeau, City Manager
City of Shawnee
P.O. Box 1448
Shawnee, OK 74801
405/273-1250

Jim Shamblin, Director, Center for Local Government Technology
OK State University
Engineering North 318
Stillwater, OK 74074
405/624-6049

Ernest Dirks, Director
Commission for Training Municipal Clerks, Treasury and Finance Officers
1515 West Sixth Avenue
Stillwater, OK 74074
405/377-2000

Homer Snodgrass, Exec. Director
Association of South Central Oklahoma Governments
802 Main St., P.O. Box 1647
Duncan, OK 73533
405/252-0995

Jim Miles, Director
Community Development Division
Department of Economic and Community Affairs
4545 North Lincoln, Suite 285
Oklahoma City, Oklahoma 73105
405/528-8200
Additional References and Assistance

Appendix D
Suggested Additional References and Assistance

Department of Public Administration
Annex 27
University of Nebraska at Omaha
Omaha, Nebraska 68182
(402) 554-2625

Nebraska City Management Association
c/o League of Nebraska Municipalities
1335 L Street
Lincoln, Nebraska 68508
(402) 476-2829

League of Nebraska Municipalities
1335 L Street
Lincoln, Nebraska 68508
(402) 476-2829

International City Management Association
777 East Capital Street, NW
Washington, D.C. 20002-4201
(202) 289-4262

National Civic League
1601 Grant Street
Suite 250
Denver, Colorado 80203
(303) 832-5615
The Council-Manager Form and the Future

John Parr

In Aurora, Colorado, the community wanted a large shopping center developed on the edge of the city that bordered Denver. That desire set off a series of regional explosions. Denver kept stalling the project by putting up a series of barriers. Lawyers for the developers filed suit against Denver. Political leaders of both communities were trading barrages in the press. Everything seemed to be pointing to a multiyear legal and political battle that might ultimately kill the project.

The council-manager plan must be perceived as part of the solution and not part of the problem in dealing with the community's future.

Jim Griesemer, the city manager of Aurora, entered into mediated negotiations with Denver and the developers. The result was that all three parties found a solution they could live with. The issue is no longer being dealt with in the courtroom, and the two mayors are shown holding their hands up in victory at the press conference announcing the agreements.

When it became clear in Kansas City, Missouri, that the city needed a tax increase to fund needed capital improvements, the city government did not put together a package and try to sell it to the voters. Instead, they chose a novel way to approach their dilemma. A citizens group was formed to work closely with the city manager's office to assess the needs of the community and the funding options and then make recommendations for the package that was presented to the voters.

When the package passed, the citizens group was a key reason for passage. Since then, the group has helped oversee implementation of the program, and an advisory board was formed to seek additional citizen suggestions about how to spend the funds generated in succeeding years of the task.

These examples show that the 1980s require creative approaches to governing and managing communities. The council-manager plan provides a form of government that lends itself to creative action if the local elected and appointed officials are willing to try new ways of making the community work.

The future of the council-manager form of government will be determined mainly by how well citizens in individual communities believe it is helping and not hindering the process of making the community work. Stated differently, the plan must be perceived as part of the solution and not part of the problem in dealing with a community's future.

To make sure the plan operates successfully, the local government professional must understand that the changes occurring in society will require some new, some different, but at a minimum, well-thought-out responses.

First, it is critical to look at the environment in which we are attempting to make communities work. We are definitely in a time of rapid change and increasing complexity in all areas, but particularly in the area of government. This decade is experiencing a dramatic redefinition in the roles and responsi...
sibilities of federal, state, and local governments. Redefinition is also occurring in the roles that the public, private, and nonprofit sectors are playing in solving community problems. These changes are not just academic. To the local government manager, understanding what is happening determines how successfully he or she can do the job.

The new realities are these:

Fewer public dollars are and will be available at the federal, state, and local levels to be used for community problems.

The majority of problems will be dealt with by local and state action, not by the federal government. No Great Society programs will bail us out.

There is no shortage of substantive solutions or experts who can tell us what the answers are. What we haven't developed are the ways to develop agreement so action can be taken to implement solutions.

At the state and local levels, we must create formal and informal collaborative ventures among the public, private, and nonprofit sectors. And to make these ventures work, a new spirit and understanding of interdependence must be developed.

Given that most action will take place at the state and local levels, it is even more crucial that government at these levels strive for high standards of integrity to ensure public confidence while developing new mechanisms to solve community problems.

Increasing pressures to do more with less will require that rural and metropolitan areas develop regional mechanisms for dealing with their problems.

What these new realities mean is a broadening of the activities that local government must be able to effectively carry out. It is not sufficient to merely run the government efficiently, effectively, and equitably. To do more with less, governments will have to adopt new styles of operating. These include:

Creating increased emphasis on joint leadership among elected officials and professional managers on issues facing the community

These new responses require local government to go beyond its historic governmental, political, and functional boundaries and forge new relationships. Times of change are at their best exciting and at their worst destructive, but always unsettling. A reasonable response by the public during times of change

Looking for political leadership does not need to mean getting rid of the council-manager plan or decreasing the role of the professional manager.

is to look for political leadership from local government. The public reaction to new ways of doing business will be different in each community. Because new ground is being broken, however, there will always be concerns, for example, about spending money for what used to be "free," or about federal programs that need to be replaced. These concerns can easily become destructive if political leadership is not present to contend with them.

Looking for political leadership does not need to mean getting rid of the council-manager plan or decreasing the role of the professional manager. In a number of communities, unfortunately, this is what has happened. But I would argue that this is not only a time of new partnerships across old political and geographical boundaries but a time of new partnerships within local governments as well.

Responses to the new realities call for the use of processes and forums, both formal and informal. The professional manager should become the key actor in orchestrating these activities. To play this role, the professional manager will have to provide leadership by being able to:

Convey in all actions the policy determinations of the council or commission to whom he or she is responsible

Work closely with business and nonprofit leaders

Understand the pressures and constraints his or her potential partners are operating under
Form new coalitions to work on community problems

Mediate and negotiate effectively on behalf of the community

Design and implement effective citizen participation activities

How does this all relate to the future of the council-manager form of government? These changes can mean that the future of the professional manager is bright and that this form of local government can become increasingly influential, if the professional manager responds creatively to these new realities. In times of change, people who are able to find new ways of solving problems inevitably gain respect, not only for themselves but for what they represent.

"In times of change, people who are able to find new ways of solving problems inevitably gain respect, not only for themselves but for what they represent."

The public needs and should demand strong leadership during these times of change. The professional manager must give the necessary support to the elected officials so they can provide the leadership necessary to develop public support for new ways of doing business. The political leadership exercised by local elected officials must be done in concert with strong professional management that can orchestrate the creative responses. If the professional manager does not focus on developing a team that can work with different actors, developing his or her own skills of mediation and negotiation, and providing the necessary guidance and support to the elected officials, then the plan can easily become the scapegoat for lack of solutions to community problems. If this happens, abandonment of the council-manager plan can easily be the result.

For those who are willing to abandon what doesn't work and instead find answers in new alliances and creative solutions, the next few years may well provide greatly increased professional satisfaction. PM
The C-M Plan: Making Representative Democracy More Effective  

Bill Hansell

The 19th century British writer Alexander Pope coined a couplet, “For forms of government let fools contest; whatever is administered best, is best.” This bit of wit characterizes council-manager government. Economy, efficiency, good administration are rarely the issues in abandonment campaigns. The central issue in most instances is political effectiveness. Political effectiveness is sometimes defined to mean equity. Is the system fair? Is it responsive to minorities? Is it accountable?

The council-manager and mayor-council systems are based on two totally different premises. The mayor-council system divides power and responsibility and assumes conflict; the council-manager system is based on unity of power, cooperation, and teamwork. When the council-manager plan is under attack, the most important thing to do is to make citizens understand the political strengths of the system. Many times the response to people who are challenging the plan or conducting abandonment campaigns is that the plan is more effective, more efficient, and more economical. But citizens advocating change claim that it is not politically responsive and that an elected official is needed at the head of the organization.

We need to constantly remind people that when council-manager government is abandoned, they are giving up efficiency, they are giving up effectiveness, they are giving up low cost and economy and administrative ease for another system where these benefits may be reduced. But we can examine the political criteria such as equity and we know the political strengths of the plan.

An important thing to remember is that all power in council-manager government is assigned to the council as a whole. It is a parliamentary system. What do you usually see in an abandonment campaign? Proponents of the mayor-council form argue: Shouldn’t we have an elected mayor who is responsive to the people making administrative decisions and appointments, or should we have an appointed bureaucrat who is going to be there forever making these decisions? The plan is lost based on that rhetoric. That is defining the issue in totally inaccurate terms.

The council-manager plan is a parliamentary system of government, and the key issue is not whether you want a strong mayor or an appointed manager as the chief executive, rather, the issue is over the role of the council. Do you want a strong parliamentary body that works together to collegially exercise power? Or do you want a system where most power is concentrated in an elected executive whom the elected council cannot remove from office? The separation of power weakens the elected legislative body and anticipates conflict. Remember, these are the mayor-council and the council-manager systems.

Let me reemphasize—council-manager government has no separation of powers. I happen to believe that the American Constitution created an important concept—sepa-
ration of powers for our national and state governments. So I think we need to understand why we say council-manager government—with no separation of powers—is more effective for local governments.

No true sovereignty exists in American local government. Even in the most liberal home-rule environment, the state government has enormous power to overrule the actions of local government. Any mischief that might be created by excessive government restrictions on free enterprise or on individual liberty is thereby readily correctable. The tension that reduces efficiency, economy, and effectiveness in our national and state governments thus need not occur at the local level, because the essential reason for separation of powers—to prevent the abuse of power of government—is not present.

Now some people will ask: How can a council have all the power? The manager is assigned certain powers by charter or legislation. However, if, at any time, the council is dissatisfied with the manager, it can terminate the relationship! The power that is assigned to the people at that position is really a temporary assignment of power that has to be earned and merited day after day in relations with the elected officials and in relations with the community.

Another important political strength of council-manager government is that an individual in a community can effectively seek the office of councilor and operate as an effective member without political, economic, or personal power. The plan contemplates an absence of patronage and of undue political or economic influences by an individual councilor. That is different in mayor-council government.

To be effective in that system, a councilor has to play by the mayor’s rules, because the mayor controls the flow of information, the assignment of public services, and political patronage. In council-manager government, all elected councilors are equal to each other, whether they represent majority or minority interest in the community, whether they have economic power or not. Every councilmember has the same rights, the same obligations, and the same possibility to be effective as does every other councilor.

In an abandonment campaign, you have to know the essentials of the plan and what aspects of the plan originally deemed to be essential have been modified over the years. I think the essentials of the plan are two: an elected council with all powers of government assigned to that body, led by a chief elected official usually called the mayor, and an appointed professional manager, chief administrator, or chief administrative officer to direct all public services. Those are the essentials.

All other components of the plan are accidental—the council elected at large versus the council elected by district, the mayor elected by the council versus the mayor elected at large, paid staff for the council people, full-time versus part-time councilors. These elements have been varied and council-manager government has worked. It would be nice to have the original plan, and it would be nice to have the pure concept of council-manager government that was designed by the reformers, but those are options that were not essential. The system has worked and still works effectively with much variation and adaptation to local desires.

"Every councilmember has the same rights, obligations, and opportunities as every other councilmember."

From a political standpoint, a very difficult aspect for all of us and for ICMA is the issue of responsiveness—that is, that the manager can be fired at any time, for any reason. The manager must be responsive in exercising leadership and providing day-to-day public services to the citizens in the community. This is another critical difference. We make up a vulnerable profession and, when you look at the statistics, managers are fired with far greater frequency than mayors are recalled in mayor-council governments.

In dealing with the media during an abandonment campaign, make sure that all of the facts are out. The tremendous misunderstandings that exist today constitute an indictment of our system of secondary education for the public lack of knowledge and understanding of government and the way local government operates. Tremendous misunderstandings prevail about council-manager government: Opponents claim that the manager cannot be fired; the mayor has nothing to do; the mayor cannot exercise any leadership within the community. These are absolutely untrue. In fact, the council-manager plan works best when the mayor and council provide the policy leadership that is so critical for our communities.

We have to make sure the facts are out before the public. That is part of our responsibility as a profession. PM
A
ction on local government issues is the
lifeblood of the Thurston County
League of Women Voters. During the
late 1970s and early 1980s, the league's ac-
tive observation of local government
prompted two extensive studies, one on city
government in Olympia and the other on gov-
ernment at the county level. At the end of
each, the league adopted positions and then
acted upon them.

After a year-long study, the league found
the council-manager form of government to
be the most responsive, effective, and effi-
cient in meeting Olympia's needs. The league
joined with the chamber of commerce, the
local labor council, various neighborhood asso-
ciations, the Democratic Party, and several
key Republican leaders in a coalition called
"Olympians for Council-Manager" to pro-
mote the change. During the campaign, they
argued that the existing three-member com-
misson form of government was archaic and
that Olympia was one of only five Washin-
gton cities still operating under that form.

The league emphasized that replacing a
three-member commission with a seven-mem-
ber council would lead to a more represen-
tative government and increase the public's
access to elected officials. With seven mem-
ers, the council would have greater flexibil-
ity in policymaking. Committees could de-
velop policy in depth and meet together to
discuss city policy without violating the open
meetings law. More councilmembers would
also allow the sharing of responsibility for
membership on the numerous intergovern-
mental boards to which the city belongs.

Separation of the policymaking and admin-
istrative functions of the city was emphasized
as an important reason to adopt the change.
Three commissioners might have been able to
manage a small city with few employees, but
Olympia was a city of about 30,000 with
more than 300 employees. Legally, commis-
sioners held jurisdiction over various depart-
ment heads and, from time to time, were
known to meddle in administrative affairs.
The blurring of policy and administrative au-
thority, whether in theory or in fact, showed
that the commission form of government was
not structured to govern a growing city with
complex urban problems.

The electorate overwhelmingly endorsed
the referendum on council-manager govern-
ment in May 1982. I believe the council-man-
ger form has been better for the city of
Olympia because it allowed more diverse represen-
tation on the council. Traditionally,
the commission was dominated by men, rep-
resentatives of the business community and
lifelong Olympia residents. Olympia's major
employer is the state of Washington. In the
late 1970s, Olympia was one of the fastest
growing cities in the country, and most resi-
dents were people who had moved to Olym-
pia. The new council reflects the makeup of
the community. Three members are state em-

Holly Gadbaw is a councilmember in Olympia, Washington and
was president of the League of Women Voters in 1980-82 when
the league organized and won support for the council-manager
form of government.

Reprinted by permission from Public Management Magazine, February 1987, published by the International
City Management Association (ICMA), Washington DC.
ployees, three are women, one is a school teacher, and one a member of the business community. Only one of the newly elected councilmembers had grown up in Olympia.

Citizens also have better access to the council. The campaign to change the government involved many people who continued their desire to take part in government activities. The elected council contained several citizen activists committed to a participatory style of government.

There is no doubt that there has been an increase in citizen participation in Olympia. Many city council meetings have standing room only, whether discussion centers on a controversial land use case or a neighborhood park plan. The council has established 20 citizen advisory committees on such issues as historic preservation, recycling, and child care. The planning commission and the parks advisory committee are both active and involved.

There is no doubt that there has been an increase in citizen participation in Olympia: many city council meetings have standing room only now.

The council has also channeled this enthusiasm and activity into several building projects. The city has completed a new performing arts center with state, city, and private money, obtained approval for a bond issue for a new community center that just opened, and enlarged the city's waterfront park.

The key to this success has been good city management. The council realized its most important function was to hire good city managers, and its members have done so.

The picture in Olympia has not always been rosy. The new councilmembers had to develop working relationships among themselves and with the staff. This did not happen overnight. Controversial issues sometimes divided the council. The activist-oriented council, organized into seven committees, tends to generate more ideas than the staff could ever accommodate. Citizen advisory groups, although enthusiastic, did not always have clear directions and definite goals to accomplish. The council itself needed discipline to focus on the wide range of issues it wanted to address, to set goals, and to measure its progress.

Good city management played a key role in helping the council overcome its problems and achieve success. Most important, a competent and enthusiastic staff was assembled and there is an ongoing process of team building with both the council and the staff. The city manager strongly encouraged the council to engage a professional management consultant to help the council set goals, establish target issues, and monitor its progress on an annual schedule.

The council could focus its efforts because the manager encouraged the council to refine its agenda for public meetings to accomplish business efficiently and allow for public input.

The council and the manager both realized that the committee system, while good at generating ideas and developing programs, did not foster consensus. Although the committee system has been retained, meeting in work sessions as a committee of the whole on complex or controversial issues has been a more effective way for this council to reach consensus. Helping the council reach consensus and leading it when no consensus and little direction are apparent is a major role for a manager. Here the flexibility of the C-M system along with good management helped the council achieve its goals. This process also helped the council set goals and monitor progress of its advisory committees.

The council-manager form of government helped Olympia become more effective on the region's intergovernmental boards. Because more councilmembers can divide the assignments among the many regional boards, they have more time to take an active role in policymaking. The professional managers in the greater Olympia area play a major role in transmitting the information and working out the cumbersome details of regional agreements. Their collaboration is vital in making this system work.

I have enjoyed being part of taking the council-manager plan from theory to practice. Undoubtedly, good people make any system work or work better. Olympia's councilmembers developed good working relationships and share a similar vision for the future. They have also been wise (or lucky) in choosing their city managers. Even so, I believe the system has made a difference. It has allowed the council flexibility in meeting its goals, and good management has helped it reach consensus and set policy. At the same time, management has assembled and motivated the staff that is responsible for creating the programs and projects that are evidence of our success.

PM
A VIEW FROM THE TOP

Hal Conklin

Never having worked with a form of government other than the council-manager form, I have to admit that my view on the subject carries a certain bias. Nevertheless, my 10 years of experience on Santa Barbara's city council and my experience as president of the Mayors and Councilmembers Department of the California League of Cities lead me to believe that this form works quite well—especially when I witness the alternative!

No one gets elected to public office without playing politics. Many of the issues that affect the lives of those in our cities and counties are decided politically. But when it comes to running the government day to day, it is a disaster to turn the process into a political one. Trading off “political deals” for basic services leads the public to look upon government with disdain and to assume it is corrupt. My view of local government operations in California leads me to believe there are five factors that contribute to an effective administration.

The first would be to set goals by letting the employees and the city council set their own goals. Richard Thomas, the administrator in Santa Barbara, regularly asks his top management to write their own goals for the year. At the end of the year, staff members are measured against this set of criteria and extra “performance pay” is given if they have met their goals. Competitive spirit runs quite high when staff members compete against their own standards.

Likewise, city councilmembers now establish an annual list of goals for which they ask the citizens to hold them accountable.

“When you are running a $100 million dollar corporation, you better have the right people in the right jobs or you are heading for bankruptcy.”

Putting its list out for the public to view gives the council strong motivation to produce. In the case of both the department heads and the councilmembers, the desire to succeed becomes a team effort.

The second factor of effective council-manager leadership is to put the right people in the right job. A good person can’t do any good in the wrong job. I have witnessed cases in which a person’s job came about because of political patronage or because no one had the heart to take the person out of the job; both are examples of mismanagement. When you are running a $100 million dollar corporation, you had better have the right people in the right jobs or you are headed for bankruptcy.

Hal Conklin is a councilmember for Santa Barbara, California.

Reprinted by permission from Public Management Magazine, February 1987, published by the International City Management Association (ICMA), Washington DC.
The third factor of effective leadership involves understanding the dynamics of change that are occurring in a community. Demographics throughout the country are changing at an unprecedented rate, and local governments need professionals at the helm who understand these changes. In today's fast-moving world, five years is like a thousand. The most successful corporations today are those that can put enlightened leaders at the top—leaders who can predict where the corporation is going to be in five years. This type of leadership can only occur outside the political process.

"Demographics throughout the country are changing at an unprecedented rate, and local governments need professionals at the helm who understand these changes."

The fourth factor of effective leadership is giving employees the resources they need to meet their own expectations. Effective administration requires dialogue with employees to understand how they view their jobs—and what they think they need to get the job done. Once again, when people are involved in designing solutions to their work problems, they will be twice as motivated to produce. In Thomas Peters and Robert Waterman's book *In Search of Excellence*, the authors point out that "there is no such thing as a good structural answer apart from people considerations, and vice versa."

Finally, motivation requires enthusiasm. Author René Dubos once observed that the word enthusiasm comes from the Greek *en theos* ("in God" or "the God within"). Enthusiasm, therefore, might be characterized as "the spirit of the God within." When those in top positions of leadership feel enthusiasm for their work, it becomes infectious. When the political process can be removed from the administrative process, then professional administrators are free to act as they should—like corporate presidents inspiring those who work for them.

Probably the most telling statement Peters and Waterman make in *In Search of Excellence* is in their introduction, and it bears repeating:

"We must admit that our bias at the beginning was to discount the role of leadership heavily, if for no other reason than everyone's answer to what's wrong (or right) with whatever organization is its leader. We wanted to study the "attributes" of the organization which could be duplicated. Unfortunately, what we found was that the excellent companies all seemed to have developed cultures that incorporated the values and practices of their great leaders. It appears then that the real role of the chief executive is to manage the values of the organization."

Politics creates the creature that governs our communities, but reason must govern their administration. Good government is built on checks and balances. In my opinion, the council-manager form of government provides for both checks and balances, as well as the freedom necessary to provide enlightened, inspiring, and enthusiastic professional leadership.  

PM
Theory and Myth vs. Practice

What the Research Reveals about Council-Manager Government and the Principles of Public Administration

Dr. B. J. D. Rowe

Today better than three-quarters of the population of the United States live and/or work in cities and counties. Growth in the number, size, and complexity of these governments has been a function of temporal responses to six primary factors: improved agricultural practices, growth in commerce and trade, changes and improvements in production and engineering, advances in medical science and technology, changes in methods of transportation, and transformation from the industrial/manufacturing era to an information-processing one.

From the 1900s to the 1960s, the growth of municipalities resulted from the translation of these factors into increased employment opportunities, higher birth and lower death rates, speedier ways of transporting people and goods, and cleaner and more effective waste removal. Accompanying these advances were also such maladies as urban blight, deteriorating housing stock, crime and vandalism, and overcrowding. Together, these advances and maladies have mandated the delivery of new and the improvement of traditional public services.

To address this mandate, each city and county charter provides for one of three basic forms of municipal government: mayor-council, commission, and council-manager. Although variations of each form are seen, the council-manager form of government is touted as the “best” approach to promote the effective and efficient delivery of municipal services. That imperative is more compelling with the decline of central cities and the concomitant escalating growth of suburban areas. While central cities must adjust to a decreased tax base, smaller cities and counties must cope with increased demands on resources and services. Since the council-manager form of government is not without its critics, a review of contemporary research reveals the extent to which the council-manager form of municipal government adheres to two key principles of public administration that form its conceptual base. Moreover, what the research reveals about the appropriateness of these principles is equally important.

The Council-Manager Form: Bases in Administrative Theory

As students and practitioners of municipal government know, the prototype for the council-manager (C-M) plan was inaugurated in Staunton, Virginia, in 1908. In this instance, however, the C-M plan was grafted onto the mayor-council form and a bicameral council retained.

It was not until 1912 that Sumter, South...
government, graduated from Yale and tion of scholars and practitioners in both busi­
ness was on efficiency as a primary goal of and administrative practices designed to help
formally as the "scientific management efficiency, rationality, productivity, and profit.
ded, it was during this period (1904) that Richard Childs, considered the father of C-M government, graduated from Yale and em­arked on a career in business.6 Taylor's theory of scientific management marked the introduction of new managerial and administrative practices designed to help private sector management adapt production practices to the needs of the burgeoning industrial economy of the 1900s. The theory's framework rested on four key values: effi­ciency, rationality, productivity, and profit. Methods and practices employed in business were transferred to the public sector in the interest of promoting, if not efficiency and profit, then efficiency and economy. Emphasis was on efficiency as a primary goal of both private and public management. Key to the attainment of this end in the public sector was the separation of politics from administration. This could be accomplished by putting "business in government" via the professionalization of local governance. Textbook descriptions of the C-M form of municipal government generally reflect this theoretically based conceptualization. Thus, ideally the C-M form is characterized by:

- A small (five to nine members) city council, generally elected at large on a nonparti­san ballot, with responsibility for policy­making via legislation and the overall supervision of the administration of city government
- A full-time professionally trained city admin­istrator who serves at the behest of the council but with full responsibility for the implementation of policy through day-to­day city operations, including, for example, the hiring/firing of department heads and the preparation and administration of the executive budget
- A popularly elected or council-selected mayor who serves as political leader and ceremonial official

This conceptualization sought to divorce politics and policymaking from administration. Hence, the collective provision of city council initiative and leadership in policy formulation cojoined with the professionally and technically based conduct of daily administr­ative activities by a city manager under the overall guidance of the council.

The Separation of Politics from Administration

As with most social and behavioral research, scholarly attention has been directed at those aspects of the C-M plan seen as most problematic and controversial.

By far the bulk of the research on C-M government has focused on some aspect of the separation of politics and administration principle. Included among writings concerning the division of responsibility between the council and the manager are those addressing leadership and decisionmaking, council-manager relations, and role conflicts. A second and related series of popular topics for scholarly attention concerns manager selection and tenure and manager behavior.

Basic to council-manager government is the division of responsibility between the council and the manager. While this separation may be clear in theory, in practice it may be difficult to maintain. Councils tend to interfere in administrative matters, while managers become involved in major policy decisions. This is sometimes due to the indecisiveness of the council. Studies have noted that, when faced with controversial alternatives, councils tend to shun acts that may prove politically controversiaI. When action that might engen­der controversy must be taken, selected policy alternatives generally emanate from administrative officials like the manager, who are more removed from direct public scrutiny. Even early proponents were aware of the need for managerial involvement in policymaking. The manager "was meant to exercise broad discretion in the administration of pol­icies and to help formulate new policies of social welfare and municipal enterprise."4 Adrian's study of three middle-sized council­manager cities in Michigan revealed that though the manager avoided a "public posture" of policy leadership, the manager as well as administrative departments were the
principal sources of policy innovation and leadership.

The policy role of the manager was confirmed in another early study by Kammerer and DeGrove, who concluded that the manager is a political figure of considerable importance. By 1975, Huntley and Macdonald reported that 90 percent of the managers participating in an ICMA survey either always or nearly always participated in the formulation of municipal policy.

Research not only has clarified the extent of that political importance, but has documented a concomitant conflict in role expectations as well. In one of the more comprehensive early studies of the manager's role in the policy process, Loveridge found considerable divergence in manager and council member views regarding the extent to which managers should be involved in policymaking. Managers tended to see themselves as policy activists exerting policy leadership on most issues on the city agenda. Council members, on the other hand, saw the manager as a staff assistant or advisor. Loveridge concluded that considerable potential for conflict exists between manager and council because of those divergent views. As a result, situational factors influenced the extent to which managers assumed policy roles. Managers were found to actively advocate policy in less controversial policy issue areas, when policy proposals already had the implicit approval of the council, and in policy areas consonant with community values and/or the perceived desires of powerful interest groups and leadership cliques in the community.

In his 1969 study of 45 managers in cities of 100,000 or more, Wright found that, although managers generally viewed themselves chiefly as administrators, their actual duties could be grouped into three role categories: managerial, policy-related, and political. Executing policy, budgeting, and controlling bureaucratic functions were seen as the key tasks of the managerial role, while the policy-related role involved manager relationships with the council and mayor. The political role had two dimensions. The horizontal dimension involved manager relations and contacts with nongovernmental individuals and groups in the community. The second or vertical dimension described intergovernmental relations as it incorporates manager relations with officials at higher levels of government. According to Wright, managers desired expansion of both their policy and political roles.

Lyden and Miller's longitudinal study of managers in the Pacific Northwest documents the expansion of manager desires noted by Wright. They found an increase in the percentage of managers willing to initiate policy in 1974 from what had been seen in 1966.

Recent research has expanded our understanding of the dynamics of the policy role controversy in council-manager governments. In a 1982 nationwide study, Lewis addressed methodological deficiencies of previous studies (Wright, Loveridge, etc.) on the subject by developing a comprehensive multidimensional typology through which the behavior of local government managers could be categorized and "explained." He found that 24 percent of his total sample could be characterized as "traditional/cooperative." These managers were less inclined to consult with the council, more inclined to become involved in policymaking, avoided extraofficial contacts and community issues, and exhibited moderate resistance to council involvement in administration.

This "majority" was followed closely by the 21 percent (of total sample) who were characterized as "team/moderate" managers. More than any other grouping, these managers consulted with the council regarding administrative matters, though they clearly saw themselves as productive in these consultations rather than reactive. Team/moderate managers had a substantial role in policymaking, extraofficial contacts, and community issues. Only 17 percent of Lewis's sample were characterized as "textbook traditional administrators." As might be expected, while these managers did not particularly consult with council over administrative matters such as hiring/firing and budgeting, they were not particularly resistant to council involvement in administrative matters. This group tended to avoid policymaking as well as extraofficial contacts and community issues.

While Lewis's findings provide a more precise grouping of manager role behavior, thereby substantiating manager participation in politics and policymaking, more recent research suggests that traditional views of council-manager relations, characterized by con-
Local budget austerity due to federal retrenchment, a decreasing tax base, assumption of new services, etc., makes the economy and efficiency criterion more compelling.

Svara, on the other hand, does not debate the definition of policy but sees the preoccupation with conflict as due to the use of an inappropriate model: the separation of policy and administration. In response, Svara proposes a new model, based in part on field observations in five North Carolina cities, that allocates responsibility for defining “mission” to elected officials and the management of programs to administrators. To Svara, then, policy and administration fall between mission and management and are thus the shared responsibility of both elected officials and managers.14

Several observations may be made about these findings. First, the separation of politics and administration may not be as compelling a principle for municipal governance as once presumed. As previously noted, some early proponents of the C-M plan saw the two not as separate but as inextricably intertwined components of a larger process. The American political system with its electoral process naturally thrusts politics into the realm of administration, and vice versa. A pluralist-democratic system compels constituent groups to influence policy by electing presidents, congressional representatives, state legislators, and a city council to serve their political interests and demands. The production and distribution of public goods and services via administrative practices is a response to the articulation of those interests and demands. Second, situational factors significantly influence the extent to which the politics/policy-administration controversy is an issue in council-manager jurisdictions. These factors include, for example, council proclivity toward policy advocacy and innovation, council-mayor relations, the size and level of political sophistication of the citizenry, manager personality, and political astuteness.

Third, the traditional politics/policy versus administrative role controversy is related to the devolution of managerial authority. This may, on the surface, appear obvious. Yet the nature of the relationship remains in question. That is, is the increased politicization of managers a “cause” or an “effect” of the politics/policy-administration dichotomy?
as the restrictions of dual careerism; challenging of administrative authority; and reconciling increased responsibility and accountability with decreased resources. In the 1980s, the most telling of these sources of stress might well be the delivery of programs and services with decreasing resources. Local budget austerity due to federal retrenchment, a decreasing tax base, assumption of new services, etc., makes the economy and efficiency criterion more compelling.

To this criterion should be added the criterion of effectiveness (a program's performance relative to specified objectives). Assuming program or service goals and objectives are specified, cost-effectiveness is measurable; that is, the relationship between program/service costs and outcomes can be determined. Program and budgetary adjustments can then be made.

Under conditions of fiscal austerity, these adjustments may mean the elimination of whole programs, reductions in services, and/or reassessment of objectives and outcome criteria. Based on a study by the Organization for Economic Cooperation and Development, Schick reports that several adjustments have reoriented the public budgeting of many nations from a growth process to one that focuses on the conservation of resources. Primary adjustments have been: fiscal norms and targets that constrain agency budget requests, the conversion of multiyear budgeting from a planning to a control process, the use of baselines to compute cutback objectives, and preparation techniques that strengthen the conservation function of budgeting.

These international findings have import for local government. In their study of mayors and managers of 90 municipalities in Pennsylvania, McGowan and Stevens found that local government officials were insecure about the future and continued to react to adverse fiscal conditions by making marginal adjustments while hoping for a restoration of resources and services. This incremental approach to fiscal adversity is not seen as a nationwide trend, however. In a subsequent 1982 nationwide study of 456 municipalities, McGowan and Poister learned that in municipal governments between 25,000 and 1 million in population the use of sophisticated management practices increased dramatically between 1976 and 1982. These included techniques: (1) focusing on resource and expenditure control (e.g., program budgeting, zero-base/target-base budgeting); (2) used to set broad-based goals and objectives (e.g., management by objectives [MBO]); (3) providing information and administrative support (e.g., management information systems [MIS]) and performance monitoring systems; (4) aimed at raising the level of efficiency and effectiveness (e.g., productivity improvement programs); and (5) focusing on individual and group performance.

MBO and the combination of productivity improvement programs were used by a majority of the cities. Encouraged by these findings, McGowan and Poister note that fiscally healthy as well as fiscally stressed cities saw the efficacy of these tools for improved productivity as a means of coping with fiscal constraints. This is particularly insightful for council-manager governments. Of the 456 municipalities participating, 314 (68.9 percent) were of the C-M form. Moreover, C-M governments represented 69 percent of the cities employing program budgeting, MIS, performance monitoring, and productivity improvement techniques. The C-M form represented 60 percent of the cities utilizing MBO and 53 percent of those using some type of management incentive program.

Conclusion

Although the findings of the aforementioned study are encouraging, the overall paucity of research literature specifically addressing the coping techniques of C-M governments is discouraging. Even where innovative techniques are known, little is known about how well these efforts work, what variations are used, who the primary actors are in efficiency-oriented innovations, or whether their use translates into effective service delivery as seen by the citizenry.

The primary strength of the council-manager plan is the unification of powers in an elected body and the professional administration of public business.

Indeed, only cursory attention is directed at the managers' role in the effective and efficient delivery of programs and services under new fiscal mandates. Weiland and Fullington acknowledged in their survey of 20 small towns in Kansas that the employment of a city manager had a significant bearing on a town's success in attracting increasingly scarce federal funds. Likewise, Sink chronicled the leadership of a city manager who
used the nontraditional political role to develop a redevelopment machine consisting of the city and private-sector organizations. More such documentation is needed.

Given new and compelling mandates for productivity, effectiveness, and efficiency, concern should be redirected from the more prescriptive dimensions of council-manager role behavior seen in the early literature to a more descriptive dimension. Research describing variations in form, role assignments and behaviors, and innovations in management that work would contribute not only to the inevitable dissolution of destructive aspects of the myth of separation but to the spread of positive alternatives, strategies, and techniques as well.

The primary strength of the C-M plan is the unification of powers in an elected body and the professional administration of public business. Forces of contemporary governance have altered the theoretical conception from one of separateness to one of the interconnectedness of politics and administration for the sake of effectiveness and efficiency. PM

6 Clifton M. Kaunemer and John M. DeGrove, Florida City Managers: Profile and Tenure (Gainesville: Public Administration Department, University of Florida, 1964).
9 Ibid.
19 Ibid., 1985, p. 208.