

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1079

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 33.40 REGARDING OFFICIAL BOND REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

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

SECTION 1. Municipal Code Section 33.40 is hereby amended to read as follows:

“33.40 BONDS; FORM.

(1) Subject to subsection 33.40(2) below, official bonds of the city shall be in form joint and several and shall be made payable to the city in such penalty as the City Council may set by resolution; provided however, that, absent specification by resolution, the required penalty shall be \$1,000. Provided further, however, that the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the city officials shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity or bonding company, provided that no city official, while still in his or her official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the state of Nebraska shall be eligible for suretyship on the bond of an official of the city. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the city and any persons who may be injured by a breach of the conditions of such bonds, in addition to incorporating any other requirements of applicable law. Notwithstanding anything in this Code to the contrary, each bond shall be required to be filed no earlier than the date that the bond is required to be filed under applicable Nebraska statute, as enacted or amended from time to time. Bonds of City Council members shall be approved by the Mayor. Bonds of all other city officials shall be approved by the City Council. The approval of each official bond shall be endorsed upon such bond by the officer approving the same. The Mayor shall be authorized to endorse approval of bonds approved by the City Council, and the Mayor shall be deemed to be and constitute the officer approving said bonds for purposes of said endorsement. The premium on any official bond required to be given shall be paid out of the General Fund or other proper city fund. All official bonds, meeting the conditions herein, shall be filed with the City Clerk for his or her official records, and it shall be the duty of the City Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the City Council. In the event that the sureties on the official bond of any appointed officer of the city, in the opinion of the Mayor, with the approval of the City Council, become insufficient, the Mayor, with approval of the City Council, may fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse or neglect to give a new bond or additional sureties to the satisfaction of the Mayor, then, with the approval of the City Council, the office shall, by such failure, refusal or neglect, become vacant, and another officer shall be appointed to fill said office in accordance with applicable law. Any official who is re-elected or re-appointed to office shall be required to file a new bond after each election or appointment.

(2) In place of the individual bonds required to be furnished by City officers or officials, a schedule, position, blanket bond or undertaking, or evidence of equivalent insurance may be given by City officers or officials, or a single corporate surety fidelity, schedule, position, or blanket bond or undertaking, or evidence of insurance coverage covering all the officers and officials, including officers and officials required by law to furnish an individual bond or undertaking, may be furnished. The City shall pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by law, by the Council or otherwise by Section 33.40(1) above, and with such terms and conditions as may be required.”

SECTION 2. Repeal of Conflicting Ordinances. Section 33.40 as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

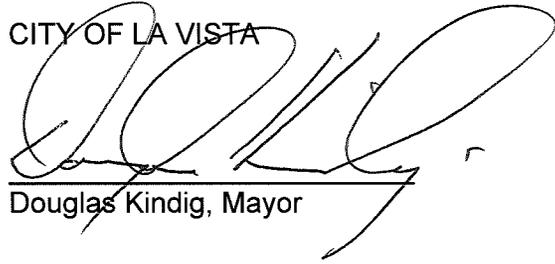
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SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 21ST DAY OF OCTOBER 2008.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk