

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 6, 2025 AGENDA**

Subject:	Type:	Submitted By:
AMEND MUNICIPAL CODE – SECTION 31.23 CITY ADMINISTRATOR	RESOLUTION ◆ ORDINANCE RECEIVE & FILE	KEVIN POKORNY MANAGING DIRECTOR ADMINISTRATIVE SERVICES

SYNOPSIS

An ordinance has been prepared to amend Municipal Code section 31.23 City Administrator, to resolve conflicting language with City Council Policy on Purchasing and duties and powers of the City Administrator provided herein.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The City Administrator follows the direction of the City Council in making or approving purchases for the City as directed by City Council Policy on Purchasing. The purchasing policy is amended from time to time, so as to ensure that the duties and powers of the City Administrator are in line with the City Council Policy, the municipal code is amended herein.

In addition, the City provides a Community Development Department with a Director as its head. The Community Development Director serves the City Administrator in matters related to the planning of the City. Therefore, this ordinance would strike the language that the City Administrator serves as the City Planning Director.

§ 31.23 CITY ADMINISTRATOR.

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

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

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

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

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

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

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

~~(5)~~(4) He or she shall ~~prepare~~ oversee the preparation of and submit to the Mayor and Council the annual budget, together with his or her recommendations and comments. He or she shall be responsible for the execution and administration of the adopted budget. He or she shall supervise the maintenance and custody of all accounts and records of the city and shall provide the Mayor and Council with a report of the financial condition of the city at such times as the

Mayor and City Council may require.

~~(6)(5)~~ He or she shall be responsible for the care and maintenance of all city property.

~~(7)(6)~~ He or she shall attend all meetings of the Mayor and Council and advise the Council in all matters pertaining to the city and its affairs.

~~(8)(7)~~ He or she shall supervise the performance of all contracts and agreements to which the city is a part.

~~(9)(8)~~ He or she shall ~~serve as purchasing agent~~ oversee the purchases of the city, and ~~no ensure purchases~~ will be made in accordance with the purchasing policy approved by the City Council without his or her approval. In no case will he or she make or approve any such purchase unless the funds for same have been duly appropriated by the Mayor and Council, and the purchasing policy authorized such purchase. as to those purchases where the amount involved exceeds \$5,000, he or she shall first obtain the approval of the Mayor and Council.

~~(10)(9)~~ He or she shall recommend to the Mayor and Council such measures as he or she may deem necessary or expedient for the good government and welfare of the city.

~~(11)(10)~~ He or she shall perform such other duties as the Mayor and Council may from time to time assign.

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

(E) The City Administrator shall take no part in any election held for the purpose of electing the Mayor, members of the City Council or other elective city office of the city, except for the casting of his or her individual ballot. The City Administrator shall be an officer of the city within the meaning of Neb. RS 16-502 and shall be subject to and bound by the prohibitions therein contained. Before taking office, the City Administrator shall file with the City Clerk a bond in favor of the city for the faithful performance of his or her duties in the amount of \$50,000, or such blanket bond or other bond or insurance in lieu of individual bond as permitted by § 33.40(B). The premium of said bond shall be paid by the city.

(‘79 Code, § 1-316) (Ord. 127, passed - -; Am. Ord. 298, passed 3-16-82; Am. Ord. 397, passed 11-19-85; Am. Ord. 440, passed 5-19-87; Am. Ord. 869, passed 10-1-02; Am. Ord. 1077, passed 10-21-08; Am. Ord. 1524, passed 10-15-24)

Statutory reference:

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

Compensation restricted, see Neb. RS 16-502

ORDINANCE NO. _____

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

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

Section 1. Amendment of Section 31.23. Section 31.23 of the La Vista Municipal Code is hereby amended to read as follows:

§ 31.23 CITY ADMINISTRATOR.

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

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

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

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

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

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

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

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

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

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

(8) He or she shall oversee the purchases of the city, and ensure purchases will be made in accordance with the purchasing policy approved by the City Council. In no case will he or she make or approve any such purchase unless the funds for same have been duly appropriated by the Mayor and Council, and the purchasing policy authorizes such purchase.

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

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

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

(E) The City Administrator shall take no part in any election held for the purpose of electing the Mayor, members of the City Council or other elective city office of the city, except for the casting of his or her individual ballot. The City Administrator shall be an officer of the city within the meaning of Neb. RS 16-502 and shall be subject to and bound by the prohibitions therein contained. Before taking office, the City Administrator shall file with the City Clerk a bond in favor of the city for the faithful performance of his or her duties in the amount of \$50,000, or such blanket bond or other bond or insurance in lieu of individual bond as permitted by § 33.40(B). The premium of said bond shall be paid by the city.

Section 2. Severability. 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 of the City of La Vista 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 3. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication by the City Clerk or any designee of the City Clerk in a legal newspaper in or of general circulation within the City, or in book, pamphlet or electronic form in accordance with applicable law.

PASSED AND APPROVED THIS 6TH DAY OF MAY 2025.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk