

**HASTINGS CITY COUNCIL
WORKSESSION AGENDA**

**Second Floor Conference Room – City Hall
220 North Hastings Avenue
February 19, 2018
5:30 PM**

ROLL CALL:

MOTION TO ADOPT CURRENT AGENDA for February 19, 2018 Worksession.

PUBLIC NOTICE - Official Notice of the Worksession was published in the Hastings Tribune on Friday, February 16, 2018. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

DISCUSSION ITEMS

1. Review of Draft Ordinance No. 4548 regarding the reorganization of the Library and Museum Boards.

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Department: City Attorney
Staff Contact:
Council Meeting Date: 02/19/2018

AGENDA ITEM SUMMARY SHEET

Description of Item:

Review of Draft Ordinance No. 4548 regarding the reorganization of the Library and Museum Boards.

Names of People/Business affected by this action:

Library and Museum Boards, Citizens of Hastings, Mayor and City Council

Why Council action is required:

All ordinances are required to be approved by the City Council pursuant to Nebraska statutes.

Type of action requested:

No Action Required

Suggested motion:

Discussion only. Ordinance would be placed on February 27, 2018 City Council agenda if authorized by the City Council.

Deadlines associated with action:

None

Department head comments:

The redline draft of Ordinance No. 4548 shows the changes to the existing section of City Code. The changes highlighted in yellow are the changes that we discussed and agreed on with members of both the Library and Museum Boards in meetings held with City Council representatives and the Mayor. Both the Library and Museum Boards are in agreement with the proposed draft of Ordinance No. 4548.

City Administrator comments:

This proposed change would convert our current administrative boards for the Library and Museum to advisory boards.

ORDINANCE NO. 4548

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 2-501 OF THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS DEALING WITH DEPARTMENT HEADS; TO AMEND SECTION 2-503 OF THE OFFICIAL CITY CODE DEALING THE DUTIES AND RESPONSIBILITIES OF THE CITY ADMINISTRATOR; AMEND SECTIONS 26-103 TO 26-108 AND SECTIONS 26-110 AND 26-111 OF THE OFFICIAL CITY CODE DEALING WITH THE LIBRARY BOARD AND LIBRARY OPERATIONS; TO AMEND SECTIONS 27-102 TO 27-111 OF THE OFFICIAL CITY CODE DEALING WITH THE MUSEUM BOARD AND MUSEUM OPERATIONS; TO PROVIDE THAT ANY ORDINANCES OR PROVISIONS INCONSISTENT HEREWITH ARE HEREBY REPEALED; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE AND TO PROVIDE FOR THE PULICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Section 2-501 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

2-501. Department heads.

(1) The following positions under the control of the Mayor and City Council are hereby created and confirmed:

City Administrator

City Attorney

City Clerk

City Engineer

Finance Director/City Treasurer

Director of Human Resources

Director of Parks & Recreation

Director of Information Technology

Fire Chief

Police Chief

Library Director

Manager of Utilities

Museum Director

The persons holding these positions shall be heads of their respective departments.

(2) Department heads shall be appointed by the Mayor with consent of a majority of the Council, and may be removed in the same manner; provided however, only the positions of City Administrator, City Attorney, City Clerk, City Engineer, and City Finance Director/City Treasurer shall hold the office to which they may be appointed until the end of the mayor's term of office and until their successors are appointed and qualified, unless sooner removed or the ordinance creating the office is repealed, or as otherwise provided by law. ~~The Museum Director and Library Director shall be appointed and removed by their respective~~

~~boards; and further provided that~~ The appointment and tenure and removal of the Fire Chief and Police Chief shall be subject to the provisions of Nebraska statutes.

(3) The compensation of department heads shall be determined by the City Council by resolution at the last regular Council meeting in September of each year.

Section 2. That Section 2-503 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

2-503. Duties, responsibilities and powers of city administrator.

The duties, responsibilities and powers of the City Administrator shall be as follows:

(1) To administer, supervise, be responsible for and coordinate all departments, divisions and services of the City government which are under the control and jurisdiction of the Mayor and City Council as provided by law. ~~; Provided, however, the Library and Museum shall not come under the supervision or be the responsibility of the Administrator.~~

(2) To prepare and keep up to date an inventory of all real and personal property and other public property including any real property owned by the City for airport purposes; and, subject to the approval of the Mayor and City Council, to coordinate and organize the purchasing policies for the purchase of all supplies, goods, wares, merchandise, equipment and materials which may be required for the various departments divisions and services of the City. ~~excluding the Library and the Museum.~~

(3) To exercise general supervision over all real and personal property and other public property under the control and jurisdiction of the Mayor and City Council.

(4) To keep the Mayor and City Council fully advised as to the financial condition and needs of the City; to be responsible for and prepare the annual estimate of expenditures for presentation to the Mayor prior to the time for the passage and adoption by the City Council of the annual appropriation ordinance; and upon the adoption of such ordinance to properly administer and execute the same.

(5) 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.

(6) To analyze the functions, activities, duties and responsibilities of the various departments, divisions and services of the City government and of all officers and employees thereof and to make recommendations respecting the same to the Mayor and City Council or designated Committee Chairperson, and to administer any recommendations made by the Mayor and City Council respecting such functions, activities, duties and responsibilities.

(7) To recommend to the Mayor and Council the appointment and dismissal of all department heads over which he exercises jurisdiction. Appointment or dismissal of department heads will be made upon the recommendation of the Mayor and confirmation by the Council.

(8) To make recommendations to the Mayor and City Council regarding the activities and duties of any employee of the City, including the promotion, demotion, and suspension or discharge of such employee, and to prepare and recommend to the Mayor and City Council a class specification and compensation plan on all employees including, if necessary, the taking of wage and benefit comparability surveys.

(9) To submit to the Mayor and City Council at the end of each fiscal year a complete report respecting the finances and administrative activities of the City for the preceding fiscal year which report shall include recommended short and long range improvements and any necessary facts to substantiate such recommendations.

(10) To attend all regularly scheduled meetings of the City Council and such other meetings of the City Council and City departments, divisions, services, boards, commissions, committees and officers as the Administrator's duties may require; to report at such meetings any matter concerning City affairs within the jurisdiction and under the control of the Administrator; and to recommend to the Mayor and City Council passage and adoption of such measures, resolutions and ordinances as may be deemed necessary or expedient.

(11) To perform such other duties and exercise such other powers as may be delegated to the Administrator from time to time by the Mayor, or by ordinance, resolution, or motion; and to delegate any duty, responsibility or power set forth herein upon approval of the Mayor, or of the City Council by proper ordinance, resolution, or motion.

(12) To obtain for the City information concerning federal and state funds which may be utilized by the City; to identify needs which may qualify for such funds; and to do all things necessary to obtain such funds if directed to do so by the Mayor and City Council.

Section 3. That Sections 26-103 through 26-108 of the Official City Code of the City of Hastings, Nebraska, be and the same are hereby amended to read as follows:

26-103. Library board -- Membership; qualifications and election of members.

The city council shall elect a library board of ~~eight (8)~~seven members, to be chosen from the citizens at large. Neither the mayor nor any member of the city council shall be a member of the Library Board.

26-104. Same -- Terms of members.

~~The terms of office for members of the Board shall be staggered and be for terms of four (4) years, with two members being appointed each year for a four (4) year term.~~ Appointments shall be made at the last regular meeting of the ~~Ceity~~ City Council in ~~the month of June~~ of each year.

26-105. Same -- Filling of vacancies; composition of members.

In cases of vacancies on the library board by resignation, removal, or otherwise, the Mayor with the approval of the City Council shall fill such vacancy for the unexpired term. No ~~Library Board member~~trustee shall receive any pay or compensation for any services rendered as a member of the Library Board.

26-106. Same -- Officers; quorum; powers.

The Library Board~~trustees~~ shall, at their first regular meeting in August of each year, organize by electing one of their ~~members~~number as president, another as secretary and such other officers as may be necessary. ~~Four~~Three (4) members of ~~the~~such Board shall constitute a quorum. The Library Board shall ~~recommend the~~ have the power to adoption of such ~~by-laws,~~ rules and regulations for governance of the Library as ~~they may be~~ appropriatedeem expedient, subject to the review and approval~~supervision and control~~ of the Mayor and City Council~~and not inconsistent with this chapter~~. These rules and regulations may include penalties and forfeitures for trespasses upon or injury to Library grounds, rooms, books, or other property, or for the failure to return any book, or for

establishing and maintaining a public library and reading room. ~~They Library Board shall recommend have exclusive control of the expenditure of all the money collected or donated to the credit of the Library which expenditure shall be approved by the Mayor and City Council. In addition, the Library Director and Library Board shall have exclusive control of the library collection, and the books, subscriptions, and materials purchased for use by patrons of the Library. public library fund, and the Hastings City Code exclusive control of all library property, and of the renting or construction of any library building, the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, under the general control of the mayor and council.~~

26-107. ~~Disposition of taxes and funds~~Library Budget and Expenditures.

~~The Library Director after consultation with the Library Board shall make a recommendation through the City Administrator as to the Library's receipts and expenditures to be made part of the City's annual budget to be approved by the Mayor and City Council All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the public library shall be kept for the use of such library, separate and apart from the other funds of the city, and shall be drawn upon and paid out by the city treasurer upon by the Mayor and City Council. vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner.~~

26-108. Library Directorian; rules and regulations.

~~The Library Directory board shall be a City department head as provided by Section 2-501 of this Code and shall be appointed by the Mayor with the approval of the City Council. Compensation for the Library Director shall be approved by the Mayor and City Council and included in the City's annual salary schedule approved as part of the City's annual municipal budget. have the power to erect, lease, or occupy an appropriate building for the use of such library; to appoint a suitable librarian to fix the librarian's compensation and to remove their appointee at pleasure. It shall have the power to establish regulations for the government of such library as may be deemed necessary for this preservation and to maintain its usefulness and efficiency. It shall have power to fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, or for failure to return any book, or for violation of any bylaw or regulation; and shall have and exercise such power as may be necessary to carry out the spirit and intent of this paragraph in establishing and maintaining a public library and reading room.~~

Section 4. That Sections 26-110 and 26-111 of the Official City Code of the City of Hastings, Nebraska, be and the same are hereby amended to read as follows:

26-110. Annual report.

The ~~L~~ibrary ~~B~~oard shall, on or before the ~~second Monday in November~~ **second Monday in November** ~~June~~ of each year, make a report to the ~~M~~ayor and ~~C~~ity ~~C~~ouncil on the condition of the ~~Library~~ **trust** ~~as of the last first day of September~~ **June** of each year, showing ~~the all money received and expended,~~ number of books or periodicals on hand, newspapers and current literature ~~for~~ which ~~they~~ **has** ~~ve~~ subscribed ~~for~~ or donated to the reading room, the number of books or periodicals purchased or acquired by gift during the year, the number of books lost or missing, the number of visitors attending, the number ~~and~~ **of** character of books loaned or issued, ~~and with~~ such ~~other~~ statistics, information and suggestions as may be deemed of

general interest or as the City Council may require, ~~which report shall be verified by affidavit of the proper officers (president and secretary) of the board.~~

26-111. Amendment of ~~by-laws~~, rules, regulations, etc.

Any ~~by-laws~~, rules or regulations established by the Library Board to govern the Library may be amended by the Mayor and City Council.

Section 5. That Sections 27-102 through 27-111 of the Official City Code of the City of Hastings, Nebraska, be and the same are hereby amended to read as follows:

27-102. Museum Board -- Composition; appointment; term of office; compensation; filling vacancies in office.

The Mayor with the approval of the City Council shall appoint a Museum Board of eight (8) members, to be chosen from the citizens at large. Neither the Mayor nor any member of the City Council shall be a member of the Museum Board. The terms of office for members of the Board shall be staggered and be for terms of four (4) years, with two members being appointed each year for a four (4) year term. Appointments shall be made at the last regular meeting of the City Council in June of each year, or as soon thereafter as practical, the Mayor, by and with the consent of the City Council or a majority of the same, shall appoint one trustee for each position becoming vacant to be chosen from the citizens at large for the managing of such museum for a term of five years from the first day of July following his or her appointment. Neither the Mayor nor any member of the Council shall be a member of such Museum Board. No Museum Board member trustee shall receive any pay or compensation for his or her services as a member of such Board. In cases of a vacancies on the Board resulting from removal from the City or otherwise, the Mayor with the approval of the City and Council shall fill such vacancy for the unexpired term. Effective July 1, 1997, the Museum Board shall consist of seven members.

27-103. Same -- Officers; quorum; powers.

The Museum Board ~~trustees~~ shall, at their first regular meeting in August ~~July~~ of each year, organize by electing one of their ~~members as number~~ president, another as secretary and such other officers as may be necessary. Four ~~Three~~ (4) members of the Museum Board shall constitute a quorum. They Museum Board shall ~~recommend~~ have the ~~power to adoption of~~ such ~~bylaws~~, rules and regulations for their ~~guidance and for the governance~~ of the Museum as may be appropriate they may deem expedient, subject to the review and approval of the Mayor and City Council. These rules and regulations may include the renting of Museum building areas, and rules affecting the supervision, care and custody of any room or Museum property, as well as rules providing for the exclusion from the use of the Museum by anyone who shall willfully violate or refuse to comply with the rules and regulations established for the governance of the Museum. In addition, the Museum Director and Museum Board shall have exclusive control of the Museum collection and exhibits, use of the theater and planetarium, and the films and programming offered to patron of the Museum. The Museum Board shall recommend and control of the Mayor and Council and not inconsistent with this chapter. They shall have exclusive control of the expenditure of all the money collected or donated to the credit of the Museum which expenditure shall be approved by the Mayor and City Council fund, and the exclusive control of all museum property, and of the renting or construction of any museum building, the supervision, care and

~~custody of the rooms or buildings constructed, leased or set apart for that purpose, under the general control of the Mayor and Council.~~

27-104. Museum Director; ~~adoption of rules and regulations.~~

~~The Museum Director Board shall be a City department head as provided by Section 2-501 of this Code and shall be appointed by the Mayor with the approval of the City Council. Compensation for the Museum Director shall be approved by the Mayor and City Council and included in the City's annual salary schedule approved as part of the City's annual municipal budget have the power to appoint a suitable director and to fix the director's Hastings City Code compensation and remove their appointee at pleasure and shall have the power to establish regulations for the government of such museum and shall fix and impose by general rules, penalties and forfeitures for trespass or injury upon or to the museum, rooms or other property and shall have and exercise such power as may be necessary to carry out the spirit and intent of this chapter in establishing and maintaining such museum.~~

27-105. Amendment of rules, regulations, etc.

~~Any bylaws, rules or regulations established by the Museum Board for the to governance of the Mmuseum, may be amended by the Mayor and Council.~~

27-106. Admission charges.

~~The Museum Board with the approval of the Mayor and City Council may establish such admission charges to the museum as the Board deems reasonable, and any reasonable regulations for the greatest use to the inhabitants of the City, and the Board may exclude from the use of the museum, anyone who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. Any money collected by virtue of admission charges shall be placed in the general fund of the City ~~a special fund hereinafter called the Museum Development Fund.~~~~

27-107. Collection of penalties.

~~Penalties imposed or accruing by any bylaw, rule or regulation of the Museum Board may be recovered in a civil action before any court having jurisdiction. Such action shall be instituted in the name of the City of Hastings ~~Museum Board of the City~~ and money collected in such actions shall be forthwith placed in the general fund of the City ~~Treasury to the credit of the Museum Development Fund.~~~~

27-108. Donations.

~~Any person may make any donation of money, land or property for the benefit of the Mmuseum, and the title to the property donated may be made to and shall vest in the City of Hastings ~~Museum Board~~ and such property shall thereafter be exempt from taxation. All real estate or interest in real estate donated or devised to the Mmuseum may be sold and disposed of in the manner provided by law.~~

27-109. Disposition of funds, taxes, etc.

~~All taxes levied or collected other than those derived from the City's general levy and all funds donated or in any way acquired for the erection, maintenance or support of the City Mmuseum shall be deposited and kept in the City's general fund ~~for use of such museum, in the Museum Development Fund, separate and apart from the other funds of the City, and shall be drawn upon and paid out by the City Treasurer upon vouchers signed by the president of~~~~

~~the Museum Board and authenticated by one other member of such Board, provided however, the Museum Board may, by resolution, delegate the responsibility of signing vouchers to the Museum Director.~~

27-110. Disposition of receipts generally.

All money received by the City of Hastings, Museum Board, the Museum Director ~~of the museum~~ or by any of their assistants from any source for the use or support thereof, shall be paid over monthly to the City Treasurer.

27-111. Annual report.

The Museum Board shall on or before the second Monday in November of each year, make a report to the Mayor and City Council on the condition of the Museum as of the last day of September each year, including the number of visitors to the Museum for the previous year, and such other statistics, information and suggestions as may be deemed of general interest or as the City Council may require.~~A full and complete disclosure of the museum activity during the past year shall be made annually.~~

Section 6. That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication or posting as required by law, in its entirety or in pamphlet form, said effective date being _____, and this ordinance shall be included in the Official Hastings City Code Book.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this _____ day of _____, 2018.

ATTEST:

Mayor

City Clerk

(SEAL)

APPROVED TO FORM:

City Attorney