

CHAPTER 1
ADMINISTRATION
Article 4 Bonds and Oath

§1-401 BONDS; COUNCIL MEMBERS. Each Councilmember before entering upon the duties of his office shall be required to give a bond to the Municipality with two (2) or more good and sufficient sureties or some responsible surety company. If the bond is given by two (2) sureties, they shall each justify that he is worth at least two thousand dollars (\$2,000.00) over and above all debts and exemptions. Such bond amounts shall be on file in the office of the Municipal Clerk and shall be conditioned on the faithful discharge of the duties of the Councilmember. The bond will be further conditioned that if the Councilmember shall vote for any expenditure or appropriation of money or create any liability in excess of the amount allowed by law, the Councilmember and the sureties signing the bond shall be liable thereon. The bond shall be filed with the Clerk and approved by the Mayor. Upon 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 any court of the State as the joint and several liability of the Councilmember voting for and the Mayor approving the same. Any such liability or debt shall not be an obligation upon the Municipality. Voting for or approving of such liability or debt shall be conclusive evidence of malfeasance in office. Any Councilmember voting for such an appropriation or any Mayor approving of the same, shall be removed from office. In the event that any Councilmember has not filed proper bond, as required herein, prior to entering upon the duties of his office, said office shall be declared vacant and shall be filled by appointment as provided in section 1-208 of this Code. (Ref. 16-304 RS Neb.)

§1-402 BONDS; FORM. (1) (a) All official bonds of officers of the city shall be in form joint and several and made payable to the city in such penalty as the Governing Body may fix.

(b) In place of the individual bonds required to be furnished by municipal officers, a schedule, position, blanket bond or undertaking, or evidence of equivalent insurance may be given by municipal officers, or a single

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corporation surety fidelity, schedule, position, or blanket bond or undertaking, or evidence of insurance coverage covering all the officers, including officers required by law to furnish an individual bond or undertaking, may be furnished. The Municipality may 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 or by the City Council and with such terms and conditions as may be required.

(c) The penalty amount on any bond shall not fall below the legal minimum, when one has been set by the state, for each particular official.

(2) Official bonds, with the oath endorsed thereon, shall be filed in the City Clerk's office within the following time:

(a) Of all appointed officers, within thirty (30) days after their appointment; and

(b) Of elected City officers, within thirty (30) days after the canvass of the votes of the election at which they were chosen.

(3) All official bonds of City officers shall be executed by the principal named in such bonds and by at least (2) sufficient sureties who shall be freeholders of the county in which such bonds are given, or any official bond of a City officer may be executed by the officer as principal and by guaranty, surety, fidelity, or bonding company as surety, or by two (2) or more such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a city officer.

(4) The City Clerk shall carefully record and preserve the bonds in his or her office and shall give certified copies thereof, when required, under the seal of his or her office, and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases.

(5) (a) The approval of each official bond shall be endorsed upon such bond by the officer approving the same and no bonds shall be filed and recorded until so approved.

(b) No bond shall be deemed to be given or complete until the approval of the City Council and all

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sureties are endorsed in writing on the instrument by the Mayor and City Clerk to the approval of the city council.

(6) All official 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 any persons injured by a breach of the conditions of such bonds.

(7) No official bond shall be rendered void by reason of any administrator, executor, or other officer from whom by law bond is or may be required.

(8) No city official shall be taken as security on the bond of any administrator, executor, or other officer from whom by law bond is or may be required.

(9) If any person elected or appointed to any office neglects to have his or her official bond executed and approves as provided by law and filed for record within the time limited by his section, the City Clerk shall immediately issue an order to such person to show cause why he or she has failed to properly file such bond and why his or her office should not be declared vacant. If such person properly files the official bond within ten (10) days of the issuance of the show cause order for appointed officials or before the date for taking office for elected officials, such filing shall be deemed to be in compliance with this section. If such person does not file the bond within the required time and sufficient cause is not shown within that time, his or her office shall thereupon ipso facto become vacant and such vacancy shall thereupon immediately be filled by election or appointment as the law may direct in other cases of vacancy in the same office.

(10) Any person appointed to fill a vacancy, before entering upon the duties of the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided.

(11) When the incumbent of an office is reelected or reappointed, he or she shall qualify by taking the oath and giving the bond as above directed, but when such officer has had public funds or property in his or her control, his or her bond shall not be approved until he or she has produced and fully accounted for such funds and property. When it is ascertained that the incumbent of an office holds over reason of the nonelection or non-appointment of a successor or of the neglect or refusal of the successor to qualify, he or she shall qualify anew within 10 days

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from the time at which his or her successor, if elected, should have qualified.

(12) No person shall be surety for the same officer for more than two (2) successive terms of the same office, but this provision shall not apply to incorporated surety companies.

(13) If the sureties on the official bond of any appointed officer of the City, in the opinion of the City Council, become insufficient, the Council may, by resolution, fix a reasonable time within which the officer may give a new bond or additional sureties to the satisfaction and approval of the Council, the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the Council to appoint a competent and qualified person to fill the office. (Ref. 11-103 through 11-118, 16-219 RS Neb.)(Ord. No. 1797, 08/02/11)

§1-403 BONDS; BY WHOM GIVEN, AMOUNT. The following elected and appointed officials and the employees of the City shall, before entering upon the duties of their respective offices, and employment, each give bond or be provided with bond by the City for their respective offices and employment with good and sufficient surety or a corporate surety bond to be approved by the Mayor and Council in the sums as follows:

Council Member	\$ 1,000.00	
Treasurer	\$25,000.00	
Employees of the City	\$25,000.00	Blanket Bond

In the event any elected or appointed official has not filed proper bond as required herein, prior to entering upon the duties of their respective offices, said office shall be declared vacant and filled by appointment as provided in section 1-208, 1-209 or 1-303 of this Code. Premiums of such bonds shall be paid by the City.

§1-404 OATH; MUNICIPAL OFFICE. All officials of the Municipality, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

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"I _____ do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God."

In the event that any elected or appointed official has not taken and subscribed the Oath of Office, as provided herein, prior to entering upon the duties of their respective office, said office shall be declared vacant and shall be filled by appointment as provided in section 1-208, 1-209 or 1-303 of this Code. (*Ref. 11-101 RS Neb.*)