

ADMINISTRATIVE

§1-401

Article 4. Bonds and Oath

§1-402

§1-401 BONDS; COUNCILMEMBERS. 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. Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution which sums shall be on file at the office of the Municipal Clerk; Provided, 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 Municipal Officials shall be executed by the principal named in such bonds and by at least two (2) 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 no Municipal Official, while still in his 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 Municipality. 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 Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Board, and all sureties are endorsed in writing on the said instrument by the Mayor and Municipal Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records and it shall be the duty of the Municipal 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 Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, 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 and approval of the Governing Body, then the office shall, by such failure, refusal, or neglect become vacant, and it shall be the duty of the Governing Body to appoint a competent and qualified person to fill the office. Any official who is reelected to office shall be required to file a new bond after each election. (*Ref. 11-103 through 11-118, 16-219 RS Neb.*)

§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:

"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.)