

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 7, 2023 AGENDA**

Subject:	Type:	Submitted By:
A resolution to approve the designation of the official publication for the City of Papillion	RES #R23-0020	Nicole Brown, City Clerk

SYNOPSIS:

Nebraska State Statutes and Papillion Municipal Code require that certain actions of governing bodies be published in a “legal newspaper in or of general circulation in the city.” In 2008, City Council approved RES. R08-0020 designating the *Papillion Times* and the *Omaha World-Herald* as the official publications for the City. In 2021, City Council approved RES. R21-0030 adding the *Gretna Guide & News* and the *Sarpy County Guide & News* (an edition of the *Gretna Guide & News*) to its list of approved publications.

In its January 18, 2023, issue, the *Papillion Times* published that it will now be known as the *Sarpy County Times* and will be covering stories county-wide. As such, staff is requesting to remove the *Papillion Times* and add the *Sarpy County Times* to its existing list of official publications for publishing required legal notices.

FISCAL IMPACT:

Varies, depending upon length of ad.

RECOMMENDATION:

Approval

BACKGROUND:

Common examples of legislation requiring publication in a legal newspaper:

- Neb. Rev. Stat. § 19-1102 and Papillion Municipal Code § 51-15(E) – official proceedings of meetings
- Neb. Rev. Stat. § 16-405 and Papillion Municipal Code § 55-4 – ordinances after adoption

ATTACHMENTS:

RES. R23-0020
Neb. Rev. Stat. § 19-1102
Papillion Municipal Code § 51-15
Neb. Rev. Stat. § 16-405
Papillion Municipal Code § 55-4

RESOLUTION NO. R23-0020

WHEREAS, Nebraska State Statutes and Papillion Municipal Code require that certain actions of governing bodies be published in a “legal newspaper in or of general circulation in the city;” and

WHEREAS, in 2008, City Council approved RES. R08-0020 designating the *Papillion Times*, the *Omaha World-Herald*, and any publication of general circulation in Sarpy County, Nebraska as the official publications for the City; and

WHEREAS, in 2021, City Council approved RES. R21-0030 adding the *Gretna Guide & News* and the *Sarpy County Guide & News* to its list of official publications; and

WHEREAS, in its January 18, 2023, issue, the *Papillion Times* published that it will now be known as the *Sarpy County Times*; and

WHEREAS, City staff has requested to remove the *Papillion Times* and add the *Sarpy County Times* to its existing list of official publications for publishing required legal notices.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Papillion, Nebraska, to designate the official publications of the City of Papillion as the *Sarpy County Times*, the *Omaha World-Herald*, the *Gretna Guide & News*, the *Sarpy County Guide & News*, and any publication of general circulation in Sarpy County, Nebraska.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF PAPILLION

David P. Black, Mayor

ATTEST:

Nicole Brown, City Clerk

(SEAL)

19-1102. City clerk or village clerk; proceedings of city council or village board of trustees; publication; contents.

It shall be the duty of each city clerk or village clerk in every city or village having a population of not more than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census to prepare and publish the official proceedings of the city council or village board of trustees within thirty days after any meeting of the city council or village board of trustees. The publication shall be in a legal newspaper in or of general circulation in the city or village, shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in section 23-122.

Source: Laws 1919, c. 183, § 1, p. 410; C.S.1922, § 4376; C.S.1929, § 17-574; R.S.1943, § 19-1102; Laws 1975, LB 193, § 1; Laws 1992, LB 415, § 3; Laws 2017, LB113, § 30; Laws 2019, LB193, § 100.

City of Papillion, NE
Monday, January 23, 2023

Chapter 51. Officers and Employees

Article II. Appointed Officials

§ 51-15. Municipal Clerk.

[Amended 6-15-1999 by Ord. No. 1298]

- A. The Mayor shall, with the consent of a majority of the Council, appoint the City Clerk and/or deputies as required. It shall be the duty of the City Clerk to attend every meeting of the Council and keep a record of the proceedings thereof. Whenever a special meeting is called by the Mayor or by four members of the Council, the Clerk shall deliver a notice of said meeting to the members of the Council and shall notify any and all committees of the Council of the business entrusted to them.
- B. The Clerk shall keep and carefully preserve all papers and books which may come into its possession as Clerk, filing and arranging them in a manner convenient for reference.
- C. The Clerk shall keep the Seal^[1] of the City and duly attest thereby the Mayor's signature to all ordinances and all deeds and papers required to be attested, when ordered by the Council.
[1] Editor's Note: See Ch. 72, Seal.
- D. The Clerk shall keep a register of all licenses granted and the purpose for which they were issued and report to the Council at every meeting. At the beginning of each month the Clerk shall, if required by the Council, furnish the Police Department with a true copy of the register of all licenses then in force. The Clerk shall issue licenses and collect license fees connected therewith as provided by the laws of Nebraska or the municipality.
- E. Within 30 days after any meeting of the Council, the Clerk shall prepare and publish the proceedings of the Council in a legal newspaper, or more than one legal newspaper, if directed by the Council. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim and the name of the claimant, except that the aggregate amount of all payroll claim may be included as one item. Between July 15 and August 15 of each year, the names of all employees and their current annual, monthly or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of November, February and May. The charge for said publication shall not exceed the rates provided by law. The publication charge shall be paid and allowed as other claims against the general fund.
- F. The Clerk shall have such additional duties and receive such salary as the Council may prescribe. The office of City Clerk shall be separate and distinct from the office of City Treasurer commencing April 21, 1993.

[Added 4-20-1993 by Ord. No. 1141]

16-405. City council; ordinances; style; publication; emergency ordinances.

The style of ordinances of a city of the first class shall be: "Be it ordained by the mayor and city council of the city of, " and all ordinances of a general nature shall, within fifteen days after they are passed, be published in a legal newspaper in or of general circulation within the city, or in book, pamphlet, or electronic form, to be distributed or sold, as may be provided by ordinance. Every ordinance fixing a penalty or forfeiture for its violation shall, before the ordinance takes effect, be published for at least one week in the manner prescribed in this section. In cases of riots, infectious diseases, or other impending danger, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor immediately upon its first publication as provided in this section.

Source: Laws 1901, c. 18, § 47, p. 245; R.S.1913, § 4898; C.S.1922, § 4066; C.S.1929, § 16-405; R.S.1943, § 16-405; Laws 1971, LB 282, § 1; Laws 2016, LB704, § 74; Laws 2019, LB194, § 26; Laws 2021, LB159, § 4.

Annotations

Publication in one regular issue of a legal newspaper in any week was sufficient notwithstanding this section and home rule charter. *Skag-Way Department Stores, Inc. v. City of Grand Island*, 176 Neb. 169, 125 N.W.2d 529 (1964).

One insertion in a daily paper does not meet the requirement of statute, since a publication must be continued in each issue thereof for a week. *Union Pacific Railway Co. v. McNally*, 54 Neb. 112, 74 N.W. 390 (1898); *Union Pacific Railway Co. v. Montgomery*, 49 Neb. 429, 68 N.W. 619 (1896).

One publication is sufficient if in weekly paper. *State ex rel. Hahn v. Hardy*, 7 Neb. 377 (1878).

*City of Papillion, NE
Monday, January 23, 2023*

Chapter 55. Ordinances

§ 55-4. Publication.

All ordinances of a general nature shall be published within 15 days of passage in some newspaper in or of general circulation in the municipality; or by posting a written or printed copy thereof in each of three public places in the municipality or by publishing in book or pamphlet form to be distributed or sold. Every ordinance shall include directions to the City Clerk whether it shall be published in a newspaper or published in book or pamphlet form or posted as above described.