

RESOLUTION NO. A-_____

1 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the
2 State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified
3 electors at a special election proposed by the City Council of the City of Lincoln, Nebraska:

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
5 Nebraska:

6 1. That at the primary election to be held on Tuesday, the 13th day of May,
7 2008, there shall be submitted to a vote of the qualified electors of the City of Lincoln,
8 Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the
9 City of Lincoln:

10 CHARTER AMENDMENT

11 Amend Article IV, Section 12 of the Charter relating to the duties of the mayor to
12 require the mayor to personally make or approve all purchases and contracts in excess of
13 \$25,000; amend Article VII, Section 1 of the Charter relating to the purchasing division to
14 harmonize the requirement that the mayor must approve purchases and contracts in excess of
15 \$25,000; amend Article VII, Section 2 of the Charter relating to the powers and duties of the
16 purchasing division to provide that the purchasing division shall advertise for formal sealed bids
17 for any contract in excess of \$25,000, provided the mayor may authorize construction of public
18 works and utilities infrastructures where the city subsidy or reimbursement does not exceed
19 \$100,000, and provided further that the mayor may delegate the execution of any purchase,
20 contract award, or other document involving less than \$25,000; and amend Article VIII, Section
21 5 relating to the awarding of street improvement contracts to provide the city may make
22 improvements not to exceed \$25,000 where it has not received any bids on a street
23 improvement project.

1 **ARTICLE IV**

2 **ELECTION AND ORGANIZATION OF ADMINISTRATION**
3 **RECALL, INITIATIVE AND REFERENDUM**

4 **Sec. 12. Duties of Mayor.** The executive and administrative power of the
5 city shall be vested in and exercised by a mayor, who shall also be the
6 ceremonial head of the city government. The mayor shall maintain an office in
7 city hall and shall devote full time to the duties of that office. The mayor shall be
8 elected by the people at large on an at-large, nonpartisan basis and shall serve
9 for a term of four years.

10 The mayor shall be fully responsible for the proper conduct of the
11 executive and administrative work and affairs of the city. ~~He~~ The mayor shall
12 have the power and shall be required to:

13 (1) Exercise supervision over all departments and agencies of the city
14 government and provide for the coordination of their activities.

15 (2) Enforce the provisions of this charter, city ordinances, and all
16 applicable laws.

17 (3) Exercise powers granted to ~~him~~ the mayor in this charter,
18 ordinances and applicable laws concerning the appointment and removal of
19 certain officers, employees, and members of boards and commissions.

20 (4) Submit annually to the council for its consideration a recommended
21 operating budget and capital improvement program and budget.

22 (5) Exercise supervision over the making of purchases and contracts
23 and personally make or approve all ~~awards purchases and contracts~~ in excess of
24 ~~five~~ twenty-five thousand dollars (~~\$5,000~~ \$25,000.00).

25 (6) Cause to be prepared, transmitted to the council, and distributed to
26 the public at least an annual report on the activities and accomplishments of the
27 departments and agencies comprising the executive branch.

28 (7) Promote and encourage improvement of the city government,
29 encourage the commercial and industrial growth of the city, and promote and
30 develop the prosperity and social well-being of its people.

31 (8) Exercise such other powers and perform such other duties as may
32 be prescribed by this charter, ordinances and resolutions and applicable laws.

33 The mayor shall be responsible for appointments of officers and
34 employees in the executive branch, but ~~he~~ the mayor may delegate to
35 department and division heads the authority to make certain appointments. ~~He~~
36 The mayor shall appoint with council approval the heads of all departments
37 established in this charter, and he may remove, without council approval, the
38 heads of such departments.

39 The mayor shall have the power to conduct investigations of the
40 operations of affairs relating to the performance of any officer, employee,
41 department or agency of the city in any manner with respect to which the mayor
42 may have authority or responsibility. In conducting investigations the mayor shall
43 have the power to administer oaths, to subpoena witnesses, other than
44 ~~councilmen~~ members, and to compel the production of books and papers
45 pertinent to such investigation. Any person who shall fail to appear in response

1 to subpoena, or shall refuse to answer any questions or produce any books or
2 records pertinent to such investigation, or shall knowingly give false testimony
3 therein, shall be guilty of a misdemeanor, and shall be subject to such penalties
4 as may be fixed by ordinance, which the council is hereby authorized to pass,
5 and to such other penalties as may be provided by law.

6 **ARTICLE VII**
7 **CONTRACTS AND PURCHASES**

8 **Sec. 1. Purchasing Division Created.** There shall be established and
9 maintained in the finance department a purchasing division, the head of which
10 shall be the purchasing agent of the city. The purchasing agent, acting in
11 accordance with provisions of this charter and rules and regulations established
12 by ordinance, shall purchase ~~and contract for~~ all materials, parts, supplies, and
13 equipment required by any department or agency of the city government.

14 The provisions of this section shall govern and apply notwithstanding any
15 existing provisions of this charter to the contrary.

16 **Sec. 2. Purchasing Division, Powers and Duties.** The purchasing
17 division, in making any purchase in the amount of ~~\$10,000.00~~ \$25,000.00 or
18 more, or any other department or agency, in making any contract committing the
19 city to any expenditure of ~~\$10,000.00~~ \$25,000.00 or more, shall advertise for
20 formal sealed bids to be opened in public and to be the basis for awards. All
21 advertisements soliciting bids shall be published at least once in the official paper
22 of the city, if there be one, and if there be no official newspaper, then in at least
23 one daily newspaper published and in general circulation in the city. Purchases
24 and contracts involving the expenditure of less than ~~\$10,000.00~~ \$25,000.00 may
25 be made without calling for formal sealed bids, but at least three informal bids
26 shall be secured and recorded if practicable.

27 Competitive bidding shall not be required in purchasing unique or non-
28 competitive articles or in contracting for professional services. The mayor, or
29 council, by the affirmative vote of six of its members, or by a unanimous vote, if
30 fewer than six but at least four members are present, may waive the competitive
31 bidding requirement if such waiver is necessary to meet an emergency
32 threatening serious loss of life, health or property in the community.

33 The city council may by unanimous vote of the members present authorize
34 the purchase of supplies or the expenditure of funds for the operation or
35 maintenance of any utility operated by the city without estimate or advertising for
36 bids, in which event supplies so authorized may be purchased in the open
37 market. The mayor may, without formal sealed bids, authorize the construction of
38 public works and utilities infrastructures by private entities when the city's
39 payment of reimbursement or subsidies for such construction does not exceed
40 \$100,000.00.

41 All awards shall be made to the lowest responsible bidder. The city
42 council shall by ordinance establish those criteria to be considered in determining
43 the lowest responsible bidder. The city shall always have the power to reject all
44 bids and to readvertise if it wishes to do so. ~~The authority of the mayor shall not~~
45 ~~be delegated to make any purchase or contract award in excess of ten thousand~~

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VOTE FOR or AGAINST

I vote FOR the proposed amendment.

I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the primary election to be held in the City of Lincoln, Nebraska, on Tuesday, the 13th day of May, 2008, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor