

ORDINANCE NO. 43067

AN ORDINANCE proposing amendments to Sections 2.08, 2.10, and 2.18 of the Home Rule Charter of the City of Omaha, 1956, as amended, to provide for a line of succession in the event that the Council President and the Council Vice President are unable to perform as Acting Mayor when it is so necessary, to provide an exception to the requirement that the City Council must meet at least twice a month in the event of an emergency declared by the state or federal government, and to require that the publication related to any Initiative Petition be made only in the City's designated official newspaper; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 8, 2022; to repeal Sections 2.08, 2.10, and 2.18 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That there be, and hereby is, submitted to the qualified electors of the City of Omaha at the General Election to be held on November 8, 2022, for their approval or rejection, a proposal to amend Sections 2.08, 2.10, and 2.18 of the Home Rule Charter, 1956, as amended, to provide that such sections shall be amended to read as follows:

**"Section 2.08. Vice-President of the Council.**

The Vice-President of the Council shall be elected at the same time and in the same manner as the President of the Council. The Vice-President shall preside at meetings of the Council during any absence or disability of the President and shall serve as Acting Mayor during any period in which both the Mayor and the President are absent from the City or disabled. In the event that both the President and Vice-President of the Council are absent from the City or unable as a result of a disability to preside over the Council meeting or to serve as Acting Mayor, the line of succession shall be from the longest serving Council member to the shortest serving Council member. Any tie in length of service shall be decided in favor of the Council member who received the higher percentage of the votes in their district in the most recent election.

**Section 2.10. Council Meetings—Quorum.**

The terms of the Mayor and Councilmembers shall commence on the fourth Monday following the general municipal election at which they were elected, and they shall meet in the City Hall on that day at 7:30 P.M. to take office and to organize for the purpose of carrying out their assigned duties. Thereafter the Council shall meet regularly as its rules may prescribe but not less often than twice each month, unless unable to do as a result of an emergency as declared by the federal or state government. Special meetings shall be called by the City Clerk upon the written request of the Mayor or any three Council Members. Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Council Members shall be given at least twenty-four hours written notice of the time and place of such special meetings, except that only two hours notice shall be required when an emergency has been declared. The public shall be notified at the same time as the Council Members. All regular and special meetings of the Council shall be open to the public, and no ordinance, resolution, rule, regulation, order, or directive shall be adopted except at a meeting open to the public. Four members of the Council shall constitute a quorum for all purposes, but any smaller number may open and close a meeting and compel the attendance of absent Council Members.

#### **Section 2.18. Initiative.**

Ordinances or amendments to existing ordinances may be submitted to the Council by a petition signed by registered electors of the city equal to at least 15 per cent of the vote for the office of Mayor cast at the last preceding general city election. Initiative petitions shall be uniform in character, shall contain the proposed ordinance in full, shall set forth the address of each person signing, shall be in the form prescribed by the City Clerk, and shall be filed with the City Clerk.

The clerk shall within twenty days verify the sufficiency of the signatures thereto, and if found sufficient, transmit the petition to the Council, which shall proceed with the proposal in the regular manner herein provided. The Council shall either enact the ordinance without amendment or reject it within thirty days. In the event the Council shall fail to enact such ordinance or amendment, the Council shall, at the next regular election held within the city, submit the same to a vote of the people. The City Clerk shall issue a proclamation notifying the electors at least thirty days prior to such election and shall cause to be published a notice of the election and a copy of the proposed ordinance in the designated official City newspaper, ~~in each of the daily newspapers of general circulation in the city~~. Such publication shall be not more than twenty nor less than ten days before the election. All initiated ordinances shall have a title which shall state, in a general way, the purpose and intent of such ordinance. No initiative petition shall contain more than one subject; subparts of the same subject matter of the initiative petition must be separately titled and enumerated. The form of ballot used for such election shall be prepared by the City Attorney and shall contain the title of such ordinance. In initiative elections the question shall be determined by a majority of the electors voting on the question."

Section 2. The ballot for said proposed amendment shall be submitted to the qualified electors of the City of Omaha in substantially the following form:

"OFFICIAL BALLOT

GENERAL ELECTION

HELD NOVEMBER 8, 2022

CHARTER AMENDMENT

SHALL SECTIONS 2.08, 2.10, AND 2.18 OF THE HOME RULE CHARTER OF THE CITY OF OMAHA BE AMENDED TO PROVIDE FOR A LINE OF SUCCESSION IN THE EVENT THAT THE COUNCIL PRESIDENT AND THE COUNCIL VICE PRESIDENT ARE UNABLE TO PERFORM AS ACTING MAYOR WHEN IT IS SO NECESSARY, TO PROVIDE AN EXCEPTION TO THE REQUIREMENT THAT THE CITY COUNCIL MUST MEET AT LEAST TWICE A MONTH IN THE EVENT OF AN EMERGENCY DECLARED BY THE STATE OR FEDERAL GOVERNMENT, AND TO REQUIRE THAT THE PUBLICATION RELATED TO ANY INITIATIVE PETITION BE MADE ONLY IN THE CITY'S DESIGNATED OFFICIAL NEWSPAPER ALL AS PROVIDED IN THE NOTICE OF ELECTION?

\_\_\_\_\_ YES

\_\_\_\_\_ NO"

Section 3. Under said question and proposition on the ballot shall be printed the word "Yes" and the word "No". All ballots of qualified electors cast at the aforesaid election with an "X" or other clear or intelligible mark placed before the word "Yes" shall be understood to be, and shall be counted, in favor of the proposition set forth in said question, and all ballots of qualified electors cast at the aforesaid election with an "X" or other clear or intelligible mark placed before the word "No" shall be understood to be, and shall be counted, against the proposition set forth in said question.

Section 4. That said ballots shall be white in color and printed in black ink or other color designated in conformance with Section 32-806 of the Revised Statutes of Nebraska, 1943, as amended.

Section 5. The officer having charge of General and Special Elections of the City of Omaha shall conduct the election in all respects the same as other City elections and in the manner provided by law.

Section 6. The City Clerk is hereby directed to transmit a certified copy of this Ordinance to the Election Commissioner of Douglas County, Nebraska, and to give public notice to the electors, as provided by law.

Section 7. If said proposition is approved by the electors, then Sections 2.08, 2.10, and 2.18 of the Home Rule Charter of the City of Omaha, as heretofore existing, shall be repealed.

Section 8. This Ordinance is declared to be administrative and not legislative in character and, therefore, under the provisions of Section 2.12 of the Home Rule Charter of the City of Omaha, 1956, as amended, and Rule 7 of the Rules adopted by the City Council of the City of Omaha, it shall become effective from and after its adoption.

INTRODUCED BY COUNCILMEMBER

*Peter P. Pappas*

APPROVED BY:

*[Signature]*  
MAYOR OF THE CITY OF OMAHA

8/25/2022  
DATE

PASSED AUG 23 2022 7-0

**ACTING**

ATTEST:

*[Signature]*  
CITY CLERK OF THE CITY OF OMAHA

8/25/2022  
DATE

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

APPROVED AS TO FORM:

*[Signature]*  
CITY CLERK

*[Signature]*  
DEPUTY CITY ATTORNEY

7/26/22  
DATE

