

ORDINANCE NO. 43719

AN ORDINANCE proposing amendments to Sections 5.21 and 5.23 of the Home Rule Charter of the City of Omaha, 1956, as amended, to amend ARTICLE V. FINANCE of the Charter to change language in Section 5.21 concerning the disposal of personal property from the Purchasing Division and Purchasing Agent to the Finance Department and Finance Director and in Section 5.23 to provide that the City Treasurer is a classified employee hired through the competitive testing process; 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 Statewide Presidential Primary Election to be held on May 14, 2024; to repeal Sections 5.21 and 5.23 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 Statewide Presidential Primary Election to be held on May 14, 2024, for their approval or rejection, a proposal to amend Sections 5.21 and 5.23 of the Home Rule Charter, 1956, as amended, to provide that such sections shall be amended to read as follows:

"Section 5.21. Disposal of Personal Property.

All departments and agencies having personal property that is not useful to them shall at least annually furnish a list of such items to the ~~Purchasing Division~~ Finance Department, which shall examine such property and determine whether it is useful for any other city purpose. If found to be usable, such property shall be inventoried for subsequent issue upon requisition. If such property is found to be unusable for any city purposes, the ~~Purchasing Agent~~ Finance Director shall cause the property to be disposed of in a lawful manner. If found to be unusable for city purposes, but not obsolete nor damaged beyond any reasonable use or repair, the ~~Purchasing Agent~~ Finance Director shall cause the property to be sold at public auction or on the basis of bids. Proceeds from such sales shall become general fund revenue. Notwithstanding the foregoing, if any such property is found to be unusable for city purposes, upon recommendation of the Finance Director, the City Council may, by resolution, authorize same to be disposed of in any manner, including donation, to any organization to be used for the public good. Nothing in this section shall be construed to prevent the trading-in of usable or unusable property on new items being purchased. As long as DOT.Comm or its successors is the primary information technology provider to the city, DOT.Comm will determine the disposition of usable, unusable, obsolete or damaged beyond any reasonable use or repair, for personal property related to information technology.

Section 5.23. Treasury Management.

~~A member of the Finance Department shall be designated by the Finance Director to be the City Treasurer. A City Treasurer shall be a classified position appointed through the competitive testing process.~~ The City Treasurer shall collect all real, personal, and special taxes or assessments due the city either using city employees or by contract with the Douglas County Treasurer; act as official custodian for all city moneys; disburse funds on the basis of valid written authorizations; and, in the administration of city functions, comply with the provisions of this charter, ordinances adopted hereunder, other applicable laws, and the accounting rules of the city. The City Treasurer shall receive such compensation from the city as may be provided by law or by appropriation in the city budget. A surety bond for the City Treasurer shall be procured in accordance with section 5.18. The Finance Director shall be responsible for the collection of all moneys due the city and the prompt deposit of such moneys. To effect such collections on an orderly, efficient, and safe basis, the finance director is authorized to appoint collection agents and to prescribe systems for accountability of moneys."

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

STATEWIDE PRESIDENTIAL PRIMARY ELECTION

HELD MAY 14, 2024

CHARTER AMENDMENT

SHALL ARTICLE V. FINANCE OF THE CHARTER OF THE HOME RULE CHARTER OF THE CITY OF OMAHA BE AMENDED TO CHANGE LANGUAGE IN SECTION 5.21 CONCERNING THE DISPOSAL OF PERSONAL PROPERTY FROM THE PURCHASING DIVISION AND PURCHASING AGENT TO THE FINANCE DEPARTMENT AND FINANCE DIRECTOR AND TO CHANGE LANGUAGE IN SECTION 5.23 TO PROVIDE THAT THE CITY TREASURER IS A CLASSIFIED EMPLOYEE HIRED THROUGH THE COMPETITIVE TESTING PROCESS,

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 5.21 and 5.23 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.

ORDINANCE NO. 43719
Page 4

INTRODUCED BY COUNCILMEMBER



APPROVED BY:

 2-27-24
MAYOR OF THE CITY OF OMAHA DATE

PASSED FEB 27 2024 7-0

ATTEST:

 2-27-24
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

 1/30/24
DEPUTY CITY ATTORNEY DATE