

ORDINANCE NO. \_\_\_\_\_

**C O N S E N T   A M E N D M E N T S**

1           AN ORDINANCE amending Chapter 2.16 of the Lincoln Municipal Code relating to  
2 City Treasurer by amending Sections 2.16.090 and 2.16.100 to revise duties to accord with modern  
3 practice and technology currently utilized by the City Treasurer; amending Chapter 2.18 of the  
4 Lincoln Municipal Code relating to Purchasing Division by amending Sections 2.18.020 and  
5 2.18.030 to raise departmental authority to make direct purchases to accord with federal require-  
6 ments; amending Chapter 2.20 of the Lincoln Municipal Code relating to Fire and Rescue  
7 Department by amending Section 2.20.150 to transfer authority for fire hydrant use from the Fire  
8 Chief to the Director of Public Works and Utilities; amending Chapter 5.04 of the Lincoln Municipal  
9 Code relating to Alcoholic Liquor by amending Section 5.04.062 to require an application for a  
10 Special Designated License that does not require Council approval to be filed at least 21 days before  
11 the event to meet deadlines established by the Nebraska State Liquor Commission; amending  
12 Chapter 8.26 of the Lincoln Municipal Code relating to Nuisances by amending Section 8.26.040  
13 to provide that no report of clearing a nuisance shall be required when the property owner has paid  
14 the assessment for clearing the nuisance before September 1; amending Chapter 10.26 of the Lincoln  
15 Municipal Code relating to Arterial Streets by repealing Section 10.26.136 to remove the  
16 designation of Forty-fifth Street as an arterial street, and amending Section 10.26.360 to designate  
17 the portion of Folsom Street between Rosa Parks Way and Capitol Parkway West as an arterial  
18 street; and repealing Sections 2.16.090, 2.16.100, 2.18.020, 2.18.030, 2.20.150, 5.04.062, 8.26.040,  
19 and 10.26.360 of the Lincoln Municipal Code as hitherto existing.

20           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

21           Section 1. That Section 2.16.090 of the Lincoln Municipal Code be amended to read  
22 as follows:

1     **2.16.090     Individual Real Estate Tax Ledger Sheets and Distribution.**

2             For the purpose of securing a speedy and thorough collection of municipal taxes and special  
3 assessments levied by the City of Lincoln, the City Treasurer is hereby authorized to use individual  
4 ledger sheets for real estate record, to prepare receipts for such taxes in advance, and have them  
5 ready for delivery, and when payment is made to indicate thereon the date and amount paid; that a  
6 statement of such taxes and special assessment be mailed or otherwise delivered to the person, firm  
7 or corporation against whom such taxes are assessed; provided, however, that failure to receive such  
8 statement shall not relieve the taxpayer from any liability to pay said taxes or assessments and  
9 penalties accrued thereon. The City Treasurer shall maintain tax ledgers of all real estate taxes  
10 distributions and distribute the real estate taxes according to the tax levy approved by City Council.

11             Section 2. That Section 2.16.100 of the Lincoln Municipal Code be amended to read  
12 as follows:

13     **2.16.100     Installment Payments on Reconciliation of Special Assessments.**

14             The City Treasurer shall ~~accept one or more unpaid installments due on special assessments~~  
15 ~~of any kind, at any time, provided the interest on the installments so paid, together with accrued~~  
16 ~~penalties, if any, are paid in full to the date of making such payment~~ perform monthly reconciliation  
17 of special assessments, showing previous months' ending balances, collections received, new  
18 assessments, and ending balances. Such reconciliation shall identify all delinquent amounts.  
19 Special assessment payments shall be deposited into all designated accounts according to collections  
20 report.

21             Section 3. That Section 2.18.020 of the Lincoln Municipal Code be amended to read  
22 as follows:

23     **2.18.020     Make All Purchases.**

24             It shall be the duty and function of the Purchasing Division to purchase all materials, parts,  
25 supplies, and equipment with an estimated cost of ~~\$1,500.00~~ \$3,000.00 or more and for repairs of  
26 equipment and facilities with an estimated cost of \$10,000.00 or more for the City of Lincoln and

1 each of its departments under the rules and regulations hereinafter enacted and established and  
2 subject to the approval of the Mayor.

3 Single purchases of materials, parts, supplies, and equipment with an estimated cost of less  
4 than ~~\$1,500.00~~ \$3,000.00 , and repairs of equipment and facilities with an estimated cost of less  
5 than \$10,000.00 may be purchased directly by the using department, provided said items are not  
6 currently available through a city supply contract. At least three informal bids shall be obtained and  
7 recorded, and such purchases shall be awarded to the lowest responsible bidder. Under no  
8 circumstances shall purchases be split into smaller purchases to avoid any provision of this chapter.

9 Section 4. That Section 2.18.030 of the Lincoln Municipal Code be amended to read  
10 as follows:

11 **2.18.030 Rules and Regulations.**

12 The following rules and regulations are hereby enacted and established for the purchase of  
13 materials, parts, supplies, and equipment by the Purchasing Division:

14 (a) The Purchasing Agent shall make all purchases of materials, parts, supplies, and  
15 equipment with an estimated cost of ~~\$1,500.00~~ \$3,000.00 or more hereby required to be made by  
16 the Purchasing Division, and the Purchasing Agent shall sign all purchase orders. Except as herein  
17 provided, it shall be unlawful for any city officer, officers, or employee to order or purchase any  
18 supplies or equipment or make any contract within the purview of this chapter other than through  
19 the Division of Purchasing, and any purchase or contract made contrary to the provisions hereof  
20 shall not be approved by the city, and the city shall not be bound thereby.

21 (b) All purchases with an estimated cost of ~~\$1,500.00~~ \$3,000.00 or more shall be made  
22 upon the requisition of the department desiring the same. The Purchasing Agent may purchase for  
23 stock on the basis of the total of such requisitions or upon estimates previously filed. All depart-  
24 ments shall file estimates of materials, supplies, and equipment required at such times and in such  
25 manner as shall be determined and requested by the Purchasing Division. The Purchasing Division  
26 shall examine each requisition or estimate and shall have the authority to revise it as to quality,

1 quantity, or estimate cost; but revision as to quality shall be in accordance with the standards and  
2 specifications established pursuant to this chapter.

3 (c) The Purchasing Division, in cooperation with all officers of the several departments,  
4 shall provide for the standardization of materials, supplies, and equipment in accordance with the  
5 use of which the various articles are to be put and shall provide for adequate specifications for  
6 materials, supplies, and equipment used in large quantities or in common use by more than one  
7 department. The Purchasing Division shall, in addition to other duties:

8 (1) Act to procure for the city the highest quality in supplies and contractual services  
9 at least expense to the city, and

10 (2) Discourage uniform bidding and endeavor to obtain as full and open competition  
11 as possible on all purchases and sales. All specifications shall be definite and certain and shall  
12 permit competition.

13 (d) The Purchasing Agent may require bid security when necessary in the public notices  
14 inviting bids. The Purchasing Agent shall return bid security to all unsuccessful bidders where the  
15 Purchasing Agent has required such security. A successful bidder shall forfeit any bid security  
16 required by the Purchasing Agent upon failure to enter into the related contract within ten days after  
17 the award, or upon failure to deliver supplies and equipment in keeping with specifications. The  
18 Purchasing Agent shall keep and maintain a bid security record to account for all security bids and  
19 the disposition of same.

20 (e) The Purchasing Agent may provide for the creation of a store or stores to be under his  
21 general direction, supervision, and control. Material, supplies, and equipment placed in the store  
22 or stores so created as the Purchasing Agent may determine shall be issued therefrom to departments  
23 on requisition and whenever so furnished shall be charged to the department to which issued or  
24 delivered and entering same to the credit of the stores account. The Purchasing Agent shall at all  
25 times keep a complete inventory of materials, supplies, and equipment on hand.

26 (f) Any purchase calling for an expenditure involving more than \$25,000.00 shall be  
27 entered into and authorized only in accordance with City of Lincoln Charter, Article VII, Section  
28 2.

29 (g) Competitive bidding shall not be required when unique or noncompetitive articles are  
30 being purchased or when no bids have been received after following the formal procedure or when  
31 professional services are being contracted for as determined by the Purchasing Agent, pursuant to  
32 the provisions of City of Lincoln Charter, Article VII, Section 2.

33 (h) Advertisement for bids shall not be required for any purchase wherein the probable  
34 expenditure shall not exceed \$25,000.00; but in such case, the Purchasing Agent shall secure and  
35 record at least three informal bids, if practicable. If a department is making a single item purchase

1 under ~~\$1,500.00~~ \$3,000.00 or a repair under \$10,000.00, the department shall secure and record at  
2 least three informal bids, if practicable.

3 (i) In all cases where bids are required and received, the Purchasing Agent shall award the  
4 contracts and purchase orders to the lowest responsible bidder. If, however, the Purchasing Agent  
5 believes the interests of the city could be best served by accepting other than the lowest bid, the  
6 Purchasing Agent shall submit in writing as a part of the award the reason for accepting such higher  
7 bid, and shall present a copy thereof to the Mayor. If the Purchasing Agent finds that the public  
8 interest will be best served thereby, and with the approval of the Mayor, the Purchasing Agent may  
9 reject any and all bids or parts of any bid or bids upon any one or more articles embraced in any bid.  
10 All bidders shall submit their bids to the Purchasing Agent, and the Purchasing Agent shall  
11 electronically unseal all bids at an hour and place which shall be stated in the advertisement for bids  
12 and in the presence of all bidders who attend. Bidders may inspect the bids after reference to and  
13 tabulation by the Purchasing Agent.

14 (j) In determining “lowest responsible bidder,” in addition to price, the Purchasing Agent  
15 or department shall consider:

16 (1) The ability, capacity, and skill of the bidder to perform the contract or provide  
17 the service required;

18 (2) Whether the bidder can perform the contract or provide the service promptly, or  
19 within the time specified, without delay or interference;

20 (3) The character, integrity, reputation, judgment, experience, and efficiency of the  
21 bidder;

22 (4) The quality of performance of previous contracts or services;

23 (5) The previous and existing compliance by the bidder with the laws and ordinances  
24 relating to the contract or service;

25 (6) The sufficiency of the financial resources and ability of the bidder to perform the  
26 contract or provide the service;

27 (7) The quality, availability, and adaptability of the supplies or contractual services  
28 to the particular use required;

29 (8) The ability of the bidder to provide future maintenance and service for the use  
30 of the subject of the contract;

31 (9) The number and scope of conditions attached to the bid.

32 (k) In case of low tie bids, all other things being equal, preference shall be given in the  
33 following order. If more than one low tie bid in any category occurs, lots shall be drawn.

34 (1) To those bidders who manufacture their products within the limits of the City of  
35 Lincoln;

36 (2) To those bidders who manufacture their products within the limits of the County  
37 of Lancaster;

1 (3) To those bidders who package, process, or through some other substantial  
2 operation have employees and facilities for these purposes in the City of Lincoln;

3 (4) To those bidders who package, process, or through some other substantial  
4 operation have employees and facilities for these purposes in the County of Lancaster;

5 (5) To those bidders who maintain a bona fide business office in the City of Lincoln,  
6 whose products may be made outside the confines of the County of Lancaster;

7 (6) To those bidders who maintain a bona fide business office in the County of  
8 Lancaster, whose products may be made outside the confines of the County of Lancaster;

9 (7) To those bidders whose commodities are manufactured, mined, produced or  
10 grown within the State of Nebraska and to all firms, corporations, or individuals doing business as  
11 Nebraska firms, corporations, or individuals when quality is equal or better and delivered price is  
12 the same or less than the other bids received; provided, however, the above preferences shall not be  
13 given where the purchase is made in whole or in part with federal funds and the applicable federal  
14 procurement regulations prohibit the giving of any local preference, in which case, in the event of  
15 more than one low tie bid, the tie shall be broken by the drawing of lots.

16 (8) To those bidders whose commodities are manufactured, mined, produced or  
17 grown within the United States of America and to all firms, corporations, or individuals doing  
18 business as firms registered in states other than Nebraska, when quality is equal or better and  
19 delivered price is the same or less than the other bids received; provided, however, the above  
20 preferences shall not be given where the purchase is made in whole or in part with federal funds and  
21 the applicable federal procurement regulations prohibit the giving of any local preference, in which  
22 case, in the event of more than one low tie bid, the tie shall be broken by the drawing of lots.

23 (l) In case of actual emergency, and with the consent of the Purchasing Agent, the head  
24 of any using agency may purchase directly any supplies whose immediate procurement is essential  
25 to prevent delays in the work of the using agency. The head of such using agency shall send to the  
26 Purchasing Agent a requisition and a copy of the delivery record, together with a full written report  
27 of the circumstances of the emergency.

28 (m) The Purchasing Agent shall prescribe by rules and regulations the procedure under  
29 which emergency purchases by heads of using agencies may be made.

30 (n) The Purchasing Agent shall have the authority with the approval of the Finance  
31 Director and the Director of Public Works and Utilities to declare vendors irresponsible bidders and  
32 to disqualify them from receiving any business from the municipality for a stated period of time, if  
33 said vendor (1) has defaulted on previous bids or contracts; (2) has previous unresolved contract  
34 performance issues with the City; (3) is involved in collusion with other bidders; (4) has failed to  
35 timely complete previous projects with the City; or (5) has unpaid debts owed to the City. Any  
36 vendor that has been declared irresponsible may, within 14 days of the Purchasing Agent's decision,  
37 appeal that determination to the Mayor.

1 (o) The Purchasing Agent shall have the authority to join with other units of government  
2 in cooperative purchasing when the best interests of the city would be served thereby.

3 (p) The Purchasing Agent shall keep a commodity record showing commodities purchased,  
4 from whom purchased, and the price paid.

5 Section 5. That Section 2.20.150 of the Lincoln Municipal Code be amended to read  
6 as follows:

7 **2.20.150 Hydrant Use Approval.**

8 No person shall use or operate any hydrant or other valve installed on the water system  
9 intended for use by the ~~Chief department~~ for fire suppression purposes and which is accessible to  
10 any public highway, alley, or private way open to or generally used by the public, unless such person  
11 first secures a permit from the ~~Fire Chief Department of Public Works and Utilities~~. This section  
12 does not apply to the use of a hydrant or other valves by a person employed by and authorized to  
13 make such use by the water system which supplies water to such hydrant or other valves.

14 Section 6. That Section 5.04.062 of the Lincoln Municipal Code be amended to read  
15 as follows:

16 **5.04.062 Special Designated License Qualifications and Restrictions.**

17 Applicants must qualify for issuance of a special designated license under the Nebraska  
18 Liquor Control Act. Applications for a special designated license shall be filed on forms provided  
19 by the City Clerk in the office of the City Clerk. ~~Caterers shall apply not less than twenty-one days~~  
20 ~~prior to the date requested for liquor sales.~~ All ~~other~~ applicants shall apply not less than twenty-one  
21 days prior to the date requested for liquor sales ~~if City Council review is required and not less than~~  
22 ~~seven days in all other cases~~. Except for caterers, special designated licenses shall be issued to one  
23 applicant for no more than six calendar days in any one calendar year. All applicants shall complete  
24 the required form completely and accurately. Material misrepresentations or omissions shall  
25 constitute grounds for denial or canceling the related special designated license. Only one special  
26 designated license shall be required for any application for two or more consecutive days.

1           Section 7. That Section 8.26.040 of the Lincoln Municipal Code be amended to read  
2 as follows:

3 **8.26.040    Report to Council; Assessment of Cost; Collection of Assessment.**

4           The Health Director shall, not later than the fifteenth day of September of each year, report  
5 to the City Council on all real estate cleared of a public nuisance since September first of the  
6 previous year under the provisions of this chapter, together with the costs thereof. Whereupon, the  
7 City Council, after public hearing at a regular council meeting, shall by resolution assess the costs  
8 against such real estate; provided, that notice of the time of such meeting of the City Council for  
9 making such assessment and for the purpose of such meeting shall be published once in a newspaper  
10 published and of general circulation in the city at least five days before said meeting of the council  
11 is held, or in lieu thereof, notice may be given to the owners of such real estate by personal service  
12 thereof five days before such hearing. Any such assessment, when assessed as provided in this  
13 section, shall be a lien upon such real estate from the date of assessment and shall be collected in  
14 the same manner as general taxes. Such assessment shall be delinquent after December first  
15 following the date of assessment and shall draw interest as provided in Neb. Rev. Stat. § 45-104.01  
16 for assessments. Nothing herein shall prevent the city from accepting payment or collecting for the  
17 related costs by any other means permitted by law.

18           The requirement to report to City Council stated in this section shall not apply to real estate  
19 cleared of a public nuisance since September first of the previous year where the costs of clearing  
20 the nuisance have been paid in full to the city prior to September first of the current year.

21           Section 8. That Section 10.26.136 of the Lincoln Municipal Code be and the same is  
22 hereby repealed.

23 ~~**10.26.136 — Forty-fifth Street.**~~

24 ~~———— Forty-fifth Street, from the south line of Vine Street to the north line of R Street, is hereby~~  
25 ~~designated and declared to be an arterial street.~~



1                   Section 9. That Section 10.26.360 of the Lincoln Municipal Code be amended to read  
2 as follows:

3 **10.26.360 Folsom Street.**

4                   Folsom Street, from the south line of ~~Capitol Parkway West~~ Rosa Parks Way to the north line  
5 of Van Dorn Street, is hereby designated and declared to be an arterial street.

6                   Section 10. That Sections 2.16.090, 2.16.100, 2.18.020, 2.18.030, 2.20.150, 5.04.062,  
7 8.26.040, and 10.26.360 of the Lincoln Municipal Code as hitherto existing be and the same are  
8 hereby repealed.

9                   Section 11. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall  
10 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's  
11 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage  
12 and such posting to be given by publication one time in the official newspaper by the City Clerk.  
13 This ordinance shall take effect and be in force from and after its passage and publication as herein  
14 and in the City Charter provided.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2012:  _____ Mayor
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