

ORDINANCE NO. _____

CONSENT A M E N D M E N T S

1 AN ORDINANCE amending Chapter 2.12 of the Lincoln Municipal Code relating to the
 2 City Clerk, Chapter 2.20 relating to the Fire and Rescue Department, Chapter 2.35 relating to the
 3 Public Works and Utilities Department, Chapter 2.42 relating to the Urban Development
 4 Department, and Chapter 5.50 relating to Taxicabs, by amending Section 2.12.170 to provide that
 5 the City Clerk shall appoint the deputy clerk without action by the Council, amending Section
 6 2.20.010 to provide that the Fire Chief shall comply with requests to supply data upon request of the
 7 City’s financial auditors, amending Sections 2.35.037 and 2.42.040 to reflect the transfer of parking
 8 functions to the Urban Development Department, amending Section 5.50.040 to change the dates
 9 of Taxicab Review Board hearings; and repealing Sections 2.12.170, 2.20.010, 2.35.037, 2.42.040,
 10 5.50.040 of the Lincoln Municipal as hitherto existing.

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

12 Section 1. That Section 2.12.170 of the Lincoln Municipal Code be amended to read
 13 as follows:

14 **2.12.170 Deputy.**

15 The City ~~Council~~ Clerk shall ~~by resolution~~ appoint a deputy who in the absence of the clerk,
 16 shall be empowered to perform all the duties of the City Clerk.

17 Section 2. That Section 2.20.010 of the Lincoln Municipal Code be amended to read
 18 as follows:

19 **2.20.010 Fire Chief; Appointment; Duties Generally.**

20 The Mayor shall appoint, with approval of the City Council, the Fire Chief, who shall be a
 21 member of the unclassified service of the city. The Director of the Fire and Rescue Department shall
 22 be known as the Fire Chief, who shall have at least five years experience in a responsible post with
 23 a fire-fighting and fire-prevention organization. The Fire Chief shall be directly responsible to the
 24 Mayor and shall:

- 25 (a) Have control and management of all matters relating to the Fire and Rescue
- 26 Department, its officers and members, and shall have the care, custody and control of all fire fighting

1 equipment and apparatus and other property and apparatus belonging to the Fire and Rescue
2 Department, together with all records belonging to the Fire and Rescue Department;

3 (b) Devote full time to the prevention and extinguishment of fires in the City of Lincoln
4 and managing the City's emergency medical services program;

5 (c) Except as otherwise provided in the personnel code, Chapter 2.76, have authority to
6 make rules and regulations covering the conduct of members of the Fire and Rescue Department and
7 the performance of Fire and Rescue Department functions, provided, that such rules and regulations
8 insofar as they pertain to matters covered by the personnel code, Chapter 2.76, shall be consistent
9 with and limited by the provisions of that code;

10 (d) Annually report to the Mayor and City Council all incidents by fire that may have
11 taken place in the city during the preceding fiscal year, with the causes thereof as well as they may
12 be ascertained, and the number and description of the buildings destroyed and citizens injured
13 together with the names of the owners or occupants and the amount of loss, insurance, and property
14 involved;

15 (e) Cause to be kept a full and complete record of all transactions in said department of
16 complaints against members and the judgment of the Chief thereon, a record of the time lost by
17 members, and a record of all property placed in his charge, and such other records as shall be
18 required by the business of the Fire and Rescue Department;

19 (f) Together with the chief officers of the Fire and Rescue Department, be subject to duty
20 call at all times, both day and night;

21 (g) Have control and management of the city ambulance program and shall have care,
22 custody, and control of all records, equipment, and apparatus as may belong to the Fire and Rescue
23 Department, or as may be assigned to the city ambulance program. The Fire Chief shall allow
24 access to such records by the public in a manner consistent with the laws of the State of Nebraska;

25 (h) On an annual basis, which coincides with the City's fiscal year, issue a set of
26 financial statements prepared in accordance with generally accepted accounting principles for the
27 activity of the EMS Enterprise Fund. These financial statements will be audited by an independent
28 certified public accounting firm in conformance with generally accepted auditing standards and the
29 standards applicable to the financial audits contained in Government Auditing Standards issued by
30 the Comptroller General of the United States. The income statement shall be in sufficient detail to
31 provide information on the sources of revenue, including but not limited to major sources of
32 reimbursement from the federal government, private insurance reimbursement and private payments.

33 ~~(i) On an annual basis, which coincides with the City's fiscal year, file with the Finance~~
34 ~~Director a financial statement that includes as supplementary information a compilation of~~
35 ~~ambulance calls on a monthly basis for the period of the audit. This supplementary schedule will~~
36 ~~include but not be limited to: (1) total number of calls; (2) total number of calls resulting in~~
37 ~~transport; (3) total number of ALS transports; (4) total number of BLS transports; (5) total number~~
38 ~~of persons transported; and (6) collection rate of billable services rendered. Comply with requests~~
39 ~~by the City's financial auditors to evaluate the number of incidents, transports, and collection rates.~~

1 (j) Cause to be maintained, for each emergency ambulance dispatch or response, a report
2 which includes dispatch and other relevant information.

3 Section 3. That Section 2.35.037 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **2.35.037 Traffic Signals and Controls.**

6 The Director of Public Works and Utilities shall have general charge and control of, and shall
7 be responsible for, the following:

8 (a) The planning, design, placement, installation, maintenance, and operation of traffic
9 control signs, signals, devices, and markings; safety zones, islands, and platforms; crosswalks,
10 passenger and freight curb loading zones, and loading platforms;

11 ~~(b) The installation and maintenance of on-street parking meters;~~

12 ~~—(c)—~~ Examination and approval of the location and plans for public and commercial on-
13 street and off-street vehicle parking areas;

14 ~~(d)~~ The approval of applications for the construction of driveways entering any street of
15 the City;

16 ~~(e)~~ Such other duties as may be functionally related to the above.

17 Section 4. That Section 2.42.040 of the Lincoln Municipal Code be amended to read
18 as follows:

19 **2.42.040 Divisions.**

20 The functions and duties of the Urban Development Department shall include the following:

21 (a) The department shall be responsible for creating an analytical framework and a
22 process for establishing a city-wide development strategy in coordination with the divisions within
23 the department and all other city departments.

24 (b) The Community Development Division shall aid in the implementation of the
25 Comprehensive Plan; be responsible for community development and redevelopment, neighborhood
26 project planning, and community participation; aid, encourage, stimulate, and facilitate the
27 maintenance and development of an adequate supply of safe, sanitary housing for all citizens of the
28 City of Lincoln; encourage the rehabilitation of unsafe structures of all types which present a hazard
29 to the health and safety of the citizens of the City of Lincoln; encourage the preservation and
30 conservation of areas in the city that are deteriorating.

1 (c) The Real Estate and Relocation Assistance Division shall be responsible for acquiring
2 necessary interests in real property for the city and to provide the necessary relocation assistance
3 services to affected citizens.

4 (d) The Training Resource Center shall be a division of the Urban Development
5 Department and, in conjunction with the Lincoln Private Industry Council, Inc., shall be responsible
6 for planning, coordinating, and administering employment and training programs for economically
7 disadvantaged persons and dislocated workers within the designated service area as established
8 under the Job Training Partnership Act (PL 97-300).

9
10 (e) The Parking Services Division shall be responsible for the installation and
11 maintenance of on-street parking meters and managing and enforcing the on-street and off-street
12 parking of the City of Lincoln. The Director of Urban Development shall have the authority to
13 appoint or contract for Parking Control Officers with the duties described in Section 10.06.070 of
14 the Lincoln Municipal Code. The Director of Urban Development shall determine the qualifications,
15 both physical and educational, required for the performance of Parking Control Officers.

16 Section 5. That Section 5.50.040 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **5.50.040 License; Issuance.**

19 Upon compliance by the applicant with all of the provisions of this chapter and upon the
20 payment of the fees herein provided, the City Clerk is authorized to issue the taxicab driver's
21 license. Said license will be valid to May thirty-first of each year unless otherwise revoked.

22 Provided, however, that should the City Clerk fail or refuse to issue a driver's license to an
23 applicant, such applicant may appeal in writing to the Taxicab Review Board, ~~which shall grant the~~
24 ~~applicant a hearing thereon not less than eight days after the filing of the appeal.~~ The applicant's
25 appeal shall be heard at the next scheduled hearing date.

26 Hearings of the Taxicab Review Board shall be scheduled on the second and last Wednesday
27 of each month, but the Board shall not convene on those dates unless a hearing is scheduled or the
28 Board shall have other business to conduct.

29 The applicant shall be given an opportunity to present any mitigating or extenuating
30 circumstances relating to any disqualifying factor under Section 5.50.020. If the Taxi Review Board

1 shall find, by clear and convincing evidence, that the disqualifying factor does not interfere with the
2 applicant's ability to control and operate a taxicab safely and does not constitute a risk to the public,
3 the Taxi Review Board shall direct the City Clerk to issue the license.

4 Section 6. That Sections 2.12.170, 2.20.010, 2.35.037, 2.42.040, 5.50.040 of the
5 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor