

ORDINANCE NO. 733

AN ORDINANCE ESTABLISHING FOR DISCIPLINE AND REMOVAL OF POLICE OFFICERS, INCLUDING THE CHIEF OF POLICE AND APPEAL PROCEEDURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. The following rules are adopted by the City of Gothenburg, for0 police officers, including the Chief of Police employed by the City.

POLICE DEPARTMENT: POLICE OFFICERS: DISCIPLINE OR REMOVAL FROM DUTY: NOTICE AND HEARING: DETERMINATION.

(1) No police officer, including the Chief of Police, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police office of his or her right to a hearing before the City Council.

(2) Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten days after being notified by of such disciplinary action, suspension, demotion, removal, or discharge, file with the Municipal Clerk a written demand for a hearing before the City Council. The City Council shall set the matter for hearing not less than ten nor more than twenty days after the filing of the written demand for a hearing. The City Council shall give the police officer written notice of the hearing not less than seven nor more than fourteen days prior to the hearing.

(3) At the hearing, the police officer shall have the right to: (a) respond in person to the charges and to present witnesses and documentary evidence; (b) confront and cross-examine available adverse witnesses; and (c) to be represented by counsel.

(4) Not later that thirty days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the disciplinary within thirty days or the failure of a majority of the elected Council members to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal, or discharge. The decision of the City Council shall be based upon

its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

(5) Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty or disobedience of orders.

Section 3. All rules, regulations and policies contained in the City Personnel Policy, as amended from time to time, apply to police officers, including the Chief of Police to the extent such rules, regulations and policies do not conflict with the terms of this ordinance or with Statutes of the State of Nebraska.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective from and after its passage, approval and publication as required by law.

Passed and approved this 19th day of October, 1999.

CITY OF GOTHENBURG,
DAWSON COUNTY, NEBRASKA

BY Larry Franzen
Larry Franzen, Mayor

ATTEST:

Connie Stull
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon
Michael L. Bacon, City Attorney