

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1191**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 1-512 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, PROVIDING FOR THE DISCHARGE OR DISCIPLINE OF POLICE OFFICERS, AND ESTABLISHING PROCEDURES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING DEFINITIONS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GORDON, NEBRASKA:

SECTION 1. That Section 1-512 of the Gordon Municipal Code be amended as follows:

SECTION 1-512: POLICE; DISCHARGE OR DISCIPLINE; APPEAL

All police officers, including the city police chief, are at-will employees and may be removed, demoted or suspended at any time, without cause, by the mayor or the City Council as a whole. A suspension may be ordered, with or without pay, as determined by the mayor or City Council as a whole. Any police officer, including the chief of police may appeal any such removal, demotion or suspension (whether with or without pay) according to the provisions of this ordinance.

- A. A police officer, or the city police chief, may be disciplined or removed from office, demoted or suspended for any gross misconduct, neglect of duty, violation of police policies and procedures, dishonesty, disobedience of lawful orders of a superior or disobedience of lawful orders of the mayor or the City Council as a whole.
- B. A police officer, or city police chief, shall have the right to appeal any disciplinary action, discharge, removal, demotion or suspension to the City Council. Such appeal shall be made within 30 days of the disciplinary action, discharge, removal, demotion or suspension by filing a written application for hearing before the City Council. Such written application shall be made to the city clerk, who shall immediately notify the mayor and city manager of the receipt of such application. Upon notice of the filing of such application, and within 20 days of receipt of the same, the mayor shall call a meeting of the City Council to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge, or their respective attorneys or representatives, shall have the right to be heard at the hearing and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action.
- C. The failure of the City Council to act within 30 days from the adjournment of an appeal hearing or the failure of a majority of the elected Council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the

proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

- D. In such circumstance where a written accusation of a violation of policies or procedures, dishonesty, gross misconduct, neglect of duty or other wrongdoing is made against any police officer, including the chief of police, whether such written accusation is made by the police chief, city manager, mayor or any citizen or taxpayer, the following procedures shall apply:
1. Within 5 business days from the receipt of such written accusation, a copy thereof shall be provided to the mayor, city manager, police chief and to the police officer against whom such accusation was made. At the time the written accusation is provided to the police officer, said police officer shall be provided with notice of his or her right to have an attorney or other representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation.
 2. In the event any disciplinary action is taken due to the allegations made in such written accusation, whether such disciplinary action includes discharge, removal, demotion or suspension (either with, or without pay), the police officer against whom such disciplinary action is taken has all rights as provided for in this ordinance, including the right to appeal and for hearing before the City Council.
- E. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty or disobedience of orders.
- F. This ordinance does not apply to a police officer during his or her probationary period.

(Neb. Rev. Stat. §17-107(3))

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 12th day of March, 2020.

CITY OF GORDON, NEBRASKA

By /s/ Kelly Grant
Vice-Mayor

ATTEST:

/s/ Kim Buchan
City Clerk