

Friend City Council Meeting  
Tuesday, November 4, 2025 7:00 PM

City Hall  
235 Maple Street  
Friend, NE 68359

## **Agenda**

ROLL CALL

ANNOUNCEMENTS: Open Meetings Act

PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

TREASURER'S REPORT

APPROVAL OF CLAIMS AND PAYROLL

APPROVAL OF HOSPITAL FINANCIAL REPORTS

MAYOR COMMENTS

PUBLIC COMMENTS:

COMMUNICATIONS

ORDINANCES & RESOLUTIONS

Approve Resolution Number 2025-07 To Adopt the Revised Employee Handbook.

Approve Resolution 2025-08 to Suspend Forfeiture of Vacation Time for 2025 Due To Extreme Staffing Shortage.

Approve Resolution Number 2025-09 Authorizing the Mayor to Sign the Year-End Certification of City Street Superintendent.

Approve Resolution 2025-10 to Have the Question of Electing City Council Members At Large rather than by Ward.

NEW BUSINESS

Discussion/Possible Action: Renew Zito Franchise.

Discussion/Possible Action: Beck Residence Water Issue. (Main St area water issues)

Discussion/Possible Action: Accept Lori Sizer Resignation from the Library.

Discussion/Possible Action: No Community Building Rentals Until Doors are Fixed.

Discussion/Possible Action: EMF Post Prom Support.

Discussion/Possible Action: Special Zoning Permit for Payne Automotive

Discussion/Possible Action: Pool Winterization Bid

DEPARTMENT REPORTS

Library Report

Friend Community Healthcare Systems

Building Inspector Report

Fire Department Report

Rescue Squad Report

Police Report

Pool Report

Public Works Report

Clerks Report

## ADJOURNMENT

Executive session to discuss personnel, the potential hiring of a maintenance supervisor, and strategic planning for the police dept.

The Mayor and the Board reserve the right to enter into Executive Session

The Council will review all items above and will take action as deemed appropriate

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**NEBRASKA OPEN MEETINGS ACT**

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**84-1407. Act, how cited.**

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

**Source:** Laws 2004, LB 821, § 34.

**84-1408. Declaration of intent; meetings open to public.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

**Source:** Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

**Annotations**

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

**84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or

advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

**Source:** Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11.

**Annotations**

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

**84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**Source:** Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

**Annotations**

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

**84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.**

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

- (ix) The Nebraska Brand Committee;
- (x) A local public health department;
- (xi) A metropolitan utilities district;
- (xii) A regional metropolitan transit authority;
- (xiii) A natural resources district; and
- (xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

**Source:** Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510,

§ 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12.

### **Cross References**

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.

### **Annotations**

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that

plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

**84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**Source:** Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13.

**Annotations**

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

**84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be

satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

**Source:** Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14.

**Annotations**

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the

truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).

- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of

the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Source:** Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

#### **Annotations**

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information

obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: [http://nebraskalegislature.gov/laws/display\\_html.php?begin\\_section=84-1407&end\\_section=84-1414](http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414)

Date: July 2021



**I pledge allegiance to the Flag  
of the United States of America,  
and to the Republic for which it stands,  
one Nation under God, indivisible,  
with liberty and justice for all.**

RESOLUTION NO. 2025-07

WHEREAS, the City of Friend desires a comprehensive set of general guidelines and policies governing all personnel matters for all city employees, including employee conduct, workplace conditions, drug and alcohol policies, policies implementing state and federal employment laws, and other aspects of public employment and city service; and

WHEREAS, the City Council had previously adopted an Employee Handbook; and

WHEREAS, the City Council has reviewed and considered the proposed changes in Section 400 to the previous handbook incorporated into the Employee Handbook attached hereto as Exhibit A,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA AS FOLLOWS:

1. Any previous versions of the Employee Handbook are hereby declared null and void as upon passage of this resolution.
2. The attached Employee Handbook is adopted as the City's personnel policies and shall be applicable to all employees unless preempted by state or federal law or in conflict with an existing employment contract or collective bargaining agreement.
3. Use of the attached Employee Handbook shall be effective upon passage of July 1, 2025.
4. The Mayor, upon approval of the City Council has the authority to make changes, adjustments, or interpretations to the attached Employee handbook that are necessary to effectively and efficiently manage the daily operations of the City.

Passed and adopted this 4th day of November, 2025 by the City Council of the City of Friend.

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Jewels Knoke, Mayor

Attest:

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Heather Varnay, Acting City Clerk

# City of Friend Employee Handbook

ADOPTED November \_\_, 2025  
RESOLUTION No. 25-\_\_\_\_\_

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## **SECTION 1: WELCOME TO THE CITY OF FRIEND**

### **101: Introduction**

The City of Friend, Nebraska, is pleased to welcome you as an employee and wish you every success here. The City believes every employee contributes directly to the City's growth and success and we hope you will take pride in being a member of our team. This handbook was developed to describe some of the expectations of our employees and to outline policies and procedures for employee hiring, advancement, training, job classification, salary compensation, benefits, discipline, dismissal and other related activities. The purpose of this guide is to serve as a written statement of the employment practices of the City of Friend, Nebraska, for all employees.

As an employee of the City, your job is to serve all of the people of the City with efficiency and courtesy. You should treat all citizens fairly, ethically, and with special privileges to none.

Every job with the City is important in that it provides a service to your employers--the residents of Friend. How you serve the public strongly influences the public relations of the residents of the City. Their opinions of their City government are based, to a large extent, upon their contact with City employees such as yourself.

This Employee supersedes all previous personnel policies and procedures adopted by the City of Friend, Nebraska. Employees should familiarize themselves with the contents of this Handbook as soon as possible as it will answer many questions about employment with the City.

The City seeks to recruit and retain the very best employees who have the City's best interests at heart. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We hope that your experience here will be challenging, enjoyable, and rewarding.

No Handbook can anticipate every circumstance or question about policies. As the City continues to grow, the need may arise to change policies described in this Handbook. The City reserves the right to revise, supplement, or rescind any policies or portion of the Handbook from time to time, as it deems appropriate, in its sole and absolute discretion. Employees will be promptly notified if changes are made.

**THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT. THE CITY, LIKE THE EMPLOYEE, IS FREE TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY OR NO REASON.**

The Mayor and City Council of the City of Friend, Nebraska, shall be the ultimate policy-making authority for the City in all matters pertaining to personnel administration.

If any section or provision of this Employee Handbook is in contravention of the laws or regulations of the United States, or the State of Nebraska, city ordinances, or any court decree binding in this jurisdiction, such section or provision shall be superseded by the appropriate provisions of such law, regulations, or court decrees, so long as the same shall be in force and

effect, but all other sections and provisions of this Employee Handbook shall continue in full force and effect unless and until otherwise amended, supplemented, or canceled by appropriate action by the Governing Body of the City.

**102: Employee Acknowledgment and Receipt**

I have received a copy of the City of Friend’s 2020 Employee Handbook and have read it carefully. I understand all of its rules, policies, terms and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action, up to and including termination.

I UNDERSTAND AND AGREE THAT MY EMPLOYMENT IS TERMINABLE-AT-WILL, SO THAT BOTH THE CITY AND I REMAIN FREE TO CHOOSE TO END OUR WORK RELATIONSHIP, AT ANY TIME, AND FOR ANY LAWFUL REASON OR NO REASON. I UNDERSTAND THIS HANDBOOK SUPERSEDES ALL PRIOR POLICIES AND PROCEDURES, WHETHER WRITTEN OR UNWRITTEN. I FURTHER UNDERSTAND THE MATTERS DISCUSSED IN THE EMPLOYEES HANDBOOK ARE SUBJECT TO CHANGE.

I UNDERSTAND THE CITY RESERVES THE RIGHT TO MONITOR ALL COMPUTER FILES, INTERNET ACTIVITY, E-MAIL MESSAGES, TEXT MESSAGES, AND VOICE MAIL MESSAGES CONDUCTED ON CITY-OWNED EQUIPMENT AND MAY PRODUCE ANY COMMUNICATION OR DOCUMENT IN MY POSSESSION RELATING TO OFFICIAL CITY BUSINESS. THE CITY MAY DISCLOSE SUCH ACTIVITY AND MESSAGES TO A THIRD PARTY WITHOUT MY CONSENT WHEN IT DEEMS SUCH ACTION NECESSARY. I CONSENT TO THE CITY MONITORING MY CITY-OWNED EQUIPMENT OR OTHER COMMUNICATION RELATING TO CITY-OWNED BUSINESS, INCLUDING COMPUTER FILES, E-MAIL TRANSMISSIONS, VOICE MAIL MESSAGES, TEXT MESSAGES, AND INTERNET ACTIVITY.

I UNDERSTAND NOTHING IN THIS HANDBOOK IN ANY WAY CREATES AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN THE CITY AND ME, BUT RATHER IS INTENDED TO FOSTER A BETTER WORKING ATMOSPHERE WHILE THE EMPLOYEE/EMPLOYER'S RELATIONSHIP EXISTS.

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Employee Name (Printed): \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Supervisor Name (Printed): \_\_\_\_\_

## **SECTION 2 - EMPLOYMENT POLICIES**

### **201: Affirmative Action Statement**

It is the policy of the City to select candidates for employment based on their qualifications and potential as these relate to the requirements of the particular position in question. Selection is made without regard to age, sex, race, color, religion, national origin, marital status or disability or any other protected class under applicable local, state or federal law. All employees are treated equally with respect to benefits, compensation, and opportunity for training and advancement.

The City's policy concerning equal opportunity shall be communicated periodically both in writing and by a discussion with all employees. All personnel policies and practices shall be reviewed regularly to ensure that equal employment opportunity based on valid job requirements is being implemented actively and that no employee or applicant for employment shall suffer any form of discrimination because of age, sex, race, color, religion, national origin, marital status, disability, or any other protected class under applicable local, state or federal law.

### **202: Americans with Disabilities Act of 1990**

The City will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment.

The City shall make a reasonable accommodation to a known physical or mental disability of an otherwise qualified applicant or employee unless the accommodation would impose an undue hardship upon the business operations of the City.

It is the policy of the City to require examinations as a part of its selection process or evaluation for continued employment only in the following situations:

1. After a conditional offer of employment has been extended to an applicant, and before the individual begins work for the City. Medical examinations are uniformly required of all applicants for positions within certain designated job categories;
2. Where there exists a need to determine whether an employee still is able to perform the essential functions of his or her job;
3. Periodic physical examinations to determine fitness for duty or other medical monitoring that is required by medical standards or by applicable federal, state or local law; or
4. Voluntary medical examinations, including voluntary medical histories that are part of employee health programs.

If a medical examination reveals or confirms that a job applicant or employee has a disability, this information will not be used by the City to unlawfully discriminate against the job applicant or employee based on disability. The City will not use the results of a medical examination that reveals or confirms a disability to withdraw an offer of employment or discharge an employee unless the disability limits the individual in the performance of the essential functions of his or her job and no reasonable accommodation can be made.

The results of any medical examination performed by or on behalf of the City will be collected and maintained on separate forms and in separate medical files and will be treated as confidential. Medical information may be disclosed only under the following circumstances;

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of the employee and any necessary accommodations;
2. First aid and safety personnel may be informed, where appropriate if the disability might require emergency treatment; and
3. Government officials investigating compliance with federal laws shall be provided relevant information upon request.

This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunities for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

### **203: Harassment Policy**

The City of Friend is committed to offering employment opportunities based on ability and performance, in a productive climate, free of discrimination. Accordingly, harassment of any kind by supervisors or co-workers will not be tolerated.

1. In general, ethnic or racial slurs, jokes and other verbal or physical conduct relating to a persons race, color, national origin, religion, sex, age, marital status, and physical or mental disability or any other prohibited basis of discrimination under applicable local, state or federal law constitute harassment when they unreasonably interfere with the persons work performance or create an intimidating work environment.
2. Age harassment has been defined by federal and state regulations as a form of age discrimination. It can consist of demeaning jokes, insults, or intimidation based on a person's age.
3. Sexual harassment can consist of unwelcome sexual advances, requests for sexual favors, or other physical and verbal conduct of a sexual nature by supervisors or others in the workplace.
  - A. Sexual harassment exists when supervisors or managers express or imply such conduct is a term or condition of employment including hiring,

compensation, promotion, retention, or will impact an employee's performance evaluation, pay adjustment, discipline, work assignments, etc.

- B. Sexual harassment may also exist when co-workers (or non-employees, such as vendors, customers, and clients) engage in such conduct when the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- C. It is important to note that sexual harassment does not have to involve conduct of a sexual nature to constitute unlawful behavior. For example, abusive, offensive, or demeaning behavior that is directed to members of one gender only (whether male or female) may be deemed a form of sexual harassment, even though the conduct was not motivated by sexual desire or gratification. In addition, harassment of a male by another male, or female by another female, may also constitute an unlawful form of sex discrimination.
- D. Examples of the types of conduct which could be considered sexual harassment and which is prohibited by City policy include, but are not limited to, the following:
  - 1. Sexually suggestive touching or gestures
  - 2. Unwanted deliberate touching, leaning over, cornering or pinching
  - 3. Lewd, off-color or sexually-oriented comments or jokes
  - 4. Questions about another's sex life or experiences
  - 5. Stories about your sex life or experiences
  - 6. Multiple requests for dates or other activities
  - 7. Sexually suggestive profanity
  - 8. Whistling at someone or cat calls
  - 9. Display of sexually suggestive images
  - 10. Gender-specific name-callings, such as babe or honey

#### 204.1: Harassment Policy Complaint Procedure

- 1. If you have a complaint about an incident of harassment, you should immediately ask the offending party to stop, if you are comfortable doing so.
- 2. If the harassment does not immediately cease or you are uncomfortable asking the offending party to stop, you should proceed with filing a grievance according to Section 702.

#### **204: Anti-Retaliation Policy**

The City of Friend recognizes retaliation against employees who exercise their lawful rights has no place in the workplace. Retaliation not only raises legal concerns but can also seriously damage employee morale within an organization. This policy describes what we mean by prohibited retaliation and sets forth a procedure for employees to bring forth complaints of retaliation without fear of retribution from their supervisors or coworkers.

Retaliation can take many forms. For the purposes of this policy, retaliation means taking a "materially adverse action" against an employee because he or she:

1. Opposed what he or she in good faith believed to be an unlawful or discriminatory practice of the City or its employees;
2. Participated in a governmental proceeding as a claimant or witness, where the purpose of the proceeding was to investigate allegations of unlawful or discriminatory conduct on the part of the Company or its employees;
3. Exercised his or her legal rights, such as filing a complaint of discrimination, a claim for workers' compensation benefits, or similar conduct; or,
4. Fulfilled a legal duty, such as testifying in court under compulsion of a subpoena, serving on jury duty, reporting suspected abuse, or fulfilling military obligations.

Taking "materially adverse action" includes refusing to hire or rehire, disciplining or discharging, refusing to promote, demoting, giving unfavorable job assignments, giving an unfavorable job evaluation, or otherwise depriving an individual of the tools he or she needs to be successful on the job.

Employees with retaliation concerns should follow the grievance process outlined in Section 702 of this policy. This policy applies to all employees of The City of Friend, regardless of position.

### **205: Immigration Law Compliance**

The City of Friend is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate based on citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City of Friend within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Mayor.

### **206: Drug-Free Work Place**

It is the City's policy to maintain a safe, productive drug-free working environment for everyone, and to safeguard City property. As part of this policy, the City prohibits employees from the use, sale, transfer or possession of alcohol, drugs, or controlled substances while on-duty or on City premises or municipal work sites. The City also prohibits any visitor, contractor, or employee of any contractor from being on City premises or municipal worksites while under the influence of

alcohol, drugs or controlled substances. For purposes of this policy, the following definitions are applicable:

1. Alcohol includes all intoxicating beverages that contain alcohol, including beer and wine.
2. "Drugs" and "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to Heroin, Marijuana, Cocaine, PCP, and "Crack." They also include "legal drugs," which are not prescribed by a licensed physician for the employee using or in possession of such drugs. Any questions about whether or not a substance is a drug or controlled substance should be directed to your supervisor.

Anyone taking a drug or other medication, whether or not prescribed by the employee's physician for medical conditions, which is known or advertised as possibly affecting or impairing judgment, coordination, or other senses or which may adversely affect the ability to perform work safely and productively, must notify his or her supervisor or other City official before starting work. The supervisor or City official will decide if the employee can remain at work on the City's premises or municipal worksite and what work restrictions, if any, are deemed necessary.

The City may ask employees to make reasonable assurances that they are not currently engaged in the unlawful use of drugs, and it may require an employee to submit to drug testing to determine compliance with this policy and to ensure that the employee is not then engaging in the current illegal use of drugs. Refusal to submit to drug testing when reasonably requested shall give rise to a presumption of a violation of this policy. Any employee who violates or refuses to comply with this policy may be disciplined, which may include discharge from employment with the City.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Mayor to receive assistance or referrals to appropriate resources in the community without fear of reprisal.

### **207: Tobacco-Free Work Place**

The City recognizes the hazards caused by exposure to environmental tobacco smoke, as well as the life-threatening diseases linked to the use of all forms of tobacco. Therefore, the City requires a tobacco-free environment for all employees and visitors. This policy covers the smoking or use of any tobacco product, including oral tobacco products and e-cigarettes and it applies to both employees and visitors. Specifically, the City prohibits:

1. Use of tobacco products upon City property at any time, except in designated smoking areas.
2. Tobacco use in any City-owned vehicle at any time or in personal vehicles when transporting people on City-authorized business.

## **SECTION 3: COMPENSATION POLICIES**

### **301: Job Descriptions and Employee Classifications**

City employees shall perform, as required by their supervisors, the tasks that fall within the scope of the business and operation of the City. The City Council must approve any revisions to the descriptions and ranges.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws and exempt employees are excluded. An employee's exempt or nonexempt classification may be changed only upon written notification by the Mayor.

Unless otherwise indicated elsewhere in the Personnel Manual, the following definitions and meanings shall apply throughout this Personnel Manual;

1. Full-time Employees are those persons employed by the City who are not in an introductory or temporary status and whose employment is continuous and who customarily work at least thirty-five (35) hours per week and at least eight (8) months per calendar year. Generally, these employees are eligible for the City's benefits package, subject to the terms, conditions, and limitations of each benefit program.
2. Part-time Employees are those persons employed by the City whose employment is continuous and who customarily works less than thirty-five (35) hours per week and at least six (6) months per calendar year. While they do receive all legally mandated benefits such as Social Security and workers' compensation insurance, they are ineligible for the City's other benefit programs.
3. Introductory employees are new employees who have worked for the City for less than six (6) months and whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. Introductory employees are eligible immediately for those benefits required by law, such as workers' compensation insurance and Social Security, and after thirty days, are eligible for health, dental and other insurance coverage. Sick leave and vacation time shall accrue, but may not be used during the introductory period.
4. Temporary, Casual, or Seasonal Employees are those persons employed by the City whose customary employment is intermittent and as-needed for less than six (6) months during a calendar year. While they do receive all legally mandated benefits, they are ineligible for the City's other benefit programs.

### **302: Attendance and Hours of Work**

Employees shall be in attendance at their place of work per the policies regarding hours of work, holiday and leave. If an employee, for some unavoidable reason, cannot report for work, he/she

shall notify the Friend City Clerk and his/her supervisor of his absence within the first 30 minutes of their normal duty time.

Scheduled hours of work shall be as in the following listing for the various departments, with employee schedules being subject to change as necessary for the continued and efficient operation of the City:

City Hall Office Hours:

7:00 a.m. to 5:00 p.m. Office staff shall schedule breaks such that the office remains open between noon and 1:00 p.m. without the accrual of overtime hours by any employee.

Public Works Department:

Summer Hours (April 1- September 30): 7:00 a.m. to 4:00 p.m.

Winter Hours (October 1-March 31): 8:00 a.m. to 5:00 p.m.

The Supervisor shall coordinate schedules such that employee coverage is available throughout regular business hours without the accrual of overtime hours by any employee.

Police Department:

As determined by the Chief of Police.

A normal workweek of the City of Friend is 40 hours, except as otherwise scheduled for part-time employees by their respective supervisor. A work schedule will be created by the supervisors as to the workdays and days off of the employees under their direct supervision. As required by their supervisor, employees will periodically be required to be on 24-hour call.

Continued and/or repeat deviations from assigned working hours may result in disciplinary action. These deviations include, but are not limited to, time changes that did not have prior approval and tardiness.

Falsification of records or documents is a violation of City policy and will result in both employees receiving disciplinary action up to or including discharge in accordance with City policy. Employees may be issued a warning for the first discrepancy, will be put on probation for the second discrepancy and will be dismissed for the third discrepancy in any calendar year, including showing up late or leaving early without prior approval from the supervisor.

**303: Pay Plan**

All City employees shall be paid bi-weekly every other Wednesday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event a regularly scheduled payday falls on a holiday, employees will be paid the immediately preceding business day.

Each employee paid based on an hourly wage shall be responsible for maintaining and submitting a timesheet denoting hours worked and leave time taken (signed by the employee's immediate supervisor, if applicable) to the City Clerk for each pay period.

The following required deductions will be made from each paycheck based upon the exemptions on the W-4 Form:

1. Social Security/Medicare FICA Tax.
2. Federal Income Tax.
3. State Income Tax
4. Pension plan deductions.

It is the policy of the City that no advance in wages will be made to any employee.

An employee who is terminated, laid off, or voluntarily resigns shall receive his final paycheck according to the Nebraska Wage Payment and Collection Act (Neb. Rev. Stat. 48-1230).

Each full-time or part-time employee who terminates his employment, and each full-time or part-time employee whose employment shall be terminated by the City, shall be entitled to compensation for his accumulated and unused vacation leave at the rate of compensation received by such employee at the date of termination of such employment, less appropriate withholding taxes. Employees who work for the City for less than one year shall not earn any vacation leave time. Upon termination by either the employee or the City, employees shall not be entitled to compensation for sick-leave or any other leave.

Upon the in-service death of a full-time or part-time employee, his estate shall be entitled to payment for such termination pay and accumulated and unused vacation leave (less appropriate withholding taxes) as was available to the employee at the time of his death.

### **304: Overtime Compensation**

Because City employees are responsible for certain services provided by the City that are operational 24 hours a day, it is expected that employees involved in providing or administering such services may be required to work beyond normal hours of employment as required. To the extent services are required outside of ordinary workday hours, employees are encouraged to take leave to avoid the accrual of overtime, subject to the approval of their supervisor.

Emergency Overtime shall be assigned by the Mayor or a supervisor to meet essential operating needs. Overtime by non-exempt employees must be approved in advance. An employee is expected to seek advance approval for overtime work and to report overtime worked at the time of reporting other hours worked in a work-reporting period.

All employees considered "Non-Exempt" under the Fair Labor Standards Act will be paid at the rate of time-and-one-half (1 1/2) times their regular rate of pay for all hours worked in excess of 40 in one workweek. Time paid for, but not worked, such as scheduled holidays, vacation days, or other leave, will not be considered hours worked for overtime purposes.

When an emergency occurs, it is not always expedient to gain permission for overtime hours. If it appears an employee is taking advantage of the overtime policy, a system of approval can be implemented solely for that individual or for all personnel. As a general rule, overtime pay is granted only for work considered to be an emergency, i.e., a break in water or sewer lines, or an interruption of electrical service. Clearing snow from streets is acceptable, mowing or other non-emergency tasks are not.

### **305: Rest and Meal Periods**

Full-time, nonexempt employees are provided with two rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. It is during this break that personal phone calls and emails should be made. Since this time is paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time City employees are also provided with one meal period of 60 minutes in length each workday. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Employees may reduce their meal period to 30 minutes in length subject to approval by their supervisor and provided such reduction does not result in overtime compensation.

### **306: On-Call Compensation**

To ensure the continued operations of the City, Public Works employees will be required to work occasional "on-call" weekend shifts. When on-call, the employee is expected to spend one hour on both Saturday and Sunday inspecting the city wells and must also be capable of reporting to duty within forty-five minutes, and must be available for contact by telephone. The supervisor is responsible for scheduling on-call shifts.

Employees placed on-call shall receive a flat rate of \$50 for the weekend, plus two hours of pay for well inspection. For each additional call-in, the employee will be paid the greater of one hour or the actual time worked. Nonexempt employees who have worked over forty hours in a workweek will be paid for on-call work at the overtime rate of 1-1/2 times their regular rate of pay.

## **SECTION 4: VACATION AND OTHER LEAVE**

### **401: Holidays**

The following named days shall be official holidays for full-time and part-time employees:

New Year's Day

January 1

Martin Luther King Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25

Any other federal holidays as may be declared by the President of the United States.

The City offices shall be closed on these days. If an official holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. A holiday that falls on a Sunday will be observed on the following Monday.

All seasonal and/or temporary employees are ineligible for, and shall not receive, compensation for holidays unless they work such days, in which case, they will receive their regular rate of compensation for hours worked.

If eligible nonexempt employees work on an official holiday, they will receive holiday pay plus wages at their regular rate for hours worked on the holiday. If an official holiday falls during an eligible employee's paid absences (such as vacation or sick leave), holiday pay will be provided instead of the paid time off that would have otherwise been paid. Holiday pay will NOT be counted as hours worked for purposes of calculating overtime.

**402: Vacation Leave**

The purpose of vacation leave is to provide the employee the opportunity for rest and relaxation, free from the rigors of employment. It is the policy of the City of Friend that an employee actually take vacation leave and not be paid in lieu of vacation leave. All employees will be entitled to receive paid vacation leave under the following schedule:

Full-time employees earn vacation leave based on each year of continuous employment as follows:

1. 1st year through 5th year 96.00 hours
2. 6th year 120.00 hours
3. 7th year 128.00 hours
4. 8th year 136.00 hours
5. 9th year 144.00 hours
6. 10th year 152.00 hours
7. 11th year 160.00 hours
8. 12th year 168.00 hours
9. 13th year 176.00 hours
10. 14th year 184.00 hours
11. 15th year 192.00 hours

12. 16th year and more            200.00 hours

Permanent part-time employees earn vacation leave based on the percentage of the work week worked compared to a full-time employee. For example, a permanent part-time employee that works 30 hours will get 75% of the vacation leave afforded to full-time employees.

Employees earn vacation leave each month at a rate of 1/12 of their total annual allotment. For example, an employee with an annual accrual of 120 hours will accrue 10 hours per month.

The balancing of vacation leave will occur at the beginning of a new calendar year. Any unused vacation leave exceeding 24 hours (or 3 days) above an employee's annual allocation will be forfeited after the close of business on December 31. At the sole discretion of the Mayor, balancing of vacation leave may be delayed by up to three (3) months if an employee has an extended leave planned, which would utilize vacation hours that would otherwise be forfeited. No more than ten (10) days or eighty (80) hours of vacation leave may be taken at once unless the supervisor and the Mayor or City Council grant special permission.

**403: Sick Leave**

The City provides paid sick leave to all full-time and permanent part-time employees for temporary absences caused by illnesses or injuries. Seasonal and temporary employees are not eligible for paid sick leave.

Full-time employees earn sick leave based on each year of continuous employment as follows:

1. 1st year through 5th year    96.00 hours
2. 6th year                        136.00 hours
3. 7th year                         144.00 hours
4. 8th year                         152.00 hours
5. 9th year                         160.00 hours
6. 10th year                        168.00 hours
7. 11th year                        176.00 hours
8. 12th year                        184.00 hours
9. 13th year                        192.00 hours
10. 14th year                       200.00 hours
11. 15th year                       208.00 hours
12. 16th year                       216.00 hours
13. 17<sup>th</sup> year                       224.00 hours
14. 18<sup>th</sup> year                       232.00 hours
15. 19<sup>th</sup> year and more         240.00 hours

Permanent part-time employees earn sick leave based on the percentage of the work week worked compared to a full-time employee. For example, a permanent part-time employee that works 30 hours will get 75% of the sick leave afforded to full-time employees. Employees shall earn sick leave each month at a rate of 1/12 of their total annual allotment.

The following conditions are valid uses of sick leave:

1. An employee is unable to perform his or her duties because of sickness, disability, or injury. Pregnancy, postnatal recovery, and miscarriage shall be considered temporary disabilities and treated the same as any other temporary disability under our policies.
2. An employee obtains medical, surgical, dental, or optical examinations or treatment.
3. An employee's presence at work jeopardizes the health of others by exposing them to a contagious disease.
4. Illness, disability, or injury of an immediate family member demands the employee's presence. The immediate family includes an employee's spouse, children, and parents. At the Mayor's discretion, the definition of immediate family may be broadened.

Sick leave shall be taken in minimum one-hour increments. Holidays that occur during the period an employee takes sick leave do not count as sick leave, and the time is not deducted from the employee's sick leave.

Employees shall notify the City Office in advance when planning to use sick leave for dental appointments, physical examinations, etc. In case of sickness, injury, or emergency, or any other absence which cannot be pre-approved, employees should advise their supervisor or the Mayor as soon as possible.

Sick leave is not to be considered a "given": it is a benefit awarded at the time of illness or a doctor's recommendation that the employee is not fit to work.

An employee may be required to submit substantiating evidence when the reason for leave request was a medical or dental appointment. Substantiating evidence may be required if sick absence exceeds three workdays but is less than five workdays. Substantiating evidence, including a doctor's evidence of fitness to return to work is required for five consecutive days of sick leave unless the sick leave is being used as part of intermittent FMLA leave.

By mutual agreement with the City Administrator, employees who use all their accrued sick leave during illness or injury may use their accrued vacation leave. You may be granted a leave of absence without pay upon written request to the City Administrator.

Sick leave is not to be used as vacation leave and shall be denied when the City has facts to show the employee is abusing sick leave privileges.

Employees leaving employment with the City will not be paid for their unused sick leave.

#### **404: Bereavement Leave**

A full-time employee may be granted an excused absence with pay for up to 40 hours by their supervisor upon satisfactory evidence of death or burial of the employee's immediate family,

including the employee's or spouse's parent, grandparent, child, grandchild, brother, sister, or foster parent. An employee may also be granted leave for the death of an extended or non-family member to travel and attend a funeral held in town for up to four (4) hours and up to eight (8) hours for a funeral out of town. The maximum special leave to be used per calendar year is twenty-four (24) hours.

Employees shall receive bereavement leave pay on such days at their straight time rate on the same basis that their work is regularly performed. The time allowed for funerals other than the immediate family shall be at the discretion of the supervisor.

Additional time required for bereavement may be charged against the employee's earned Vacation Leave. Vacation may be charged up to the amount the employee has earned. The balance of time off shall be without pay.

#### **405: Military Leaves of Absence**

If you are called to active military duty or Reserve or National Guard training, or if you volunteer for the same, submit copies of your military orders to the Mayor as soon as possible.

The City of Friend will grant a military leave of absence, without pay, for the period of military service, in accordance with applicable federal and state laws. After your military duty or training is completed, you will be restored to the seniority rights and benefits that you would have attained with reasonable certainty if you had remained continuously employed during the period of service.

The employee will be paid for the annual two-week training period at the employee's regular wage less any payments received for military duty. All full-time employees shall receive a paid military leave of absence of one hundred twenty hours each calendar year. All part-time employees shall receive a paid military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. If a guard weekend falls on your scheduled workday, advise your supervisor as soon as possible so that scheduling arrangements can be made.

#### **406: Jury Duty**

An employee who is summoned to jury duty will receive a paid leave of absence for the period designated by the court. This leave will not be charged against any other paid leave allowance. If the employee is excused from such duty for one or more regularly scheduled workdays because of court adjournment or other reason, the employee is expected to report to work and resume his or her regular duties. Employees will be paid their regular pay during the time absent for jury duty less jury fees received by such employees.

If employees are required to serve jury duty beyond the period of two weeks, the City may request an excuse from jury duty for the employee if, in the City's judgment, the employee's absence would create serious operational difficulties.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The City will continue to provide health insurance benefits for the full term of the jury duty absence and vacation, sick and holiday benefits will continue to accrue during jury duty leave.

#### **407: Family and Medical Leave Act Absences (FMLA)**

Under the Family and Medical Leave Act of 1993 (FMLA), employees who have been with The City of Friend for at least twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) months immediately preceding commencement of leave will be eligible for up to twelve (12) weeks of unpaid leave during a twelve (12) month period for any of the following reasons:

1. The birth of a son or daughter and to care for such son or daughter.
2. The placement of a son or daughter with you for adoption or foster care.
3. To care for a spouse, son, daughter, or parent with a serious health condition.
4. Personal serious health condition which makes you unable to perform your job.

The City of Friend requires an eligible employee to use all accrued paid time off hours before unpaid time can be taken.

The 12-month period is determined on a "rolling" basis, measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

In the case of foreseeable leave, you must provide thirty (30) days advance notice, if possible. In most cases, you will be able to provide this notice. However, in rare cases, you may not have thirty (30) days' notice. Under those circumstances, you should provide us with notice as soon as possible. If you must take leave to obtain planned medical treatment, you must make a reasonable effort to schedule treatment so it does not disrupt the City's operations.

In the case of leave due to the serious health condition of you or your spouse, child, or parent, you will be required to provide appropriate medical certification. This certification must include the date the serious health condition commenced, the probable duration of the condition; and, in the case of your serious health condition, a statement from a physician that you are unable to perform your job duties. In addition, if your leave is to care for a family member, the physician must indicate that you are needed to care for a family member and provide an estimate of the time you will be needed.

Upon return from your leave, we will reinstate you to your former position or to an equivalent position. However, certain highly-paid employees may not be reinstated. In that event, you will be notified of the City's decision to deny reinstatement to your former position. If the leave has

already begun at the time you receive the notice, you have the option of deciding whether or not to return to work.

Your benefits, including vacation, sick, and holiday leave, will continue to accrue during the period of your unpaid leave. However, any group insurance you had before leave will continue during the term of your leave on the same basis as if you were not absent from work. Please note that if you fail to return from your leave, we may recover from you the cost of any premiums paid on your behalf to continue insurance coverage.

It is impossible to cover all aspects of Family and Medical Leave in this handbook. Therefore, when you determine that you will need to take leave under this policy, please contact the Mayor for details.

#### **408: Personal Leave**

The City provides unpaid leaves of absence to full-time employees who wish to take time off from work to fulfill personal obligations. Employees may request of their supervisor or the Mayor up to 30 calendar days of leave per calendar year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. With the Mayor's approval, an employee may take any available sick or vacation leave as part of the approved period of leave.

Requests will be evaluated based on several factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. Vacation, sick, and holiday leave benefits will not accrue during the leave and will resume upon return to active employment. Health insurance benefits may continue during unpaid personal leave, but the employee will be responsible for the full cost of this benefit.

At the end of the personal leave, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

### **SECTION 5: GENERAL INFORMATION**

#### **501: Appearance and Conduct**

The successful business operation and reputation of the City are built upon the principles of fair dealing and ethical conduct of our employees. Employees owe a duty to the City, its citizens and its customers to act in a way that will merit the continued trust and confidence of the public. Employees should be careful not to make representations which might obligate the City or put the City in jeopardy. The City expects all employees to adhere to the highest standards of personal and professional ethics.

All employees of the City shall:

1. Maintain a clean, well-groomed appearance, including an appropriate manner of dress relating to their job duties and good personal hygiene.
2. Treat all citizens with prompt, courteous attention in a manner.
3. Be just in all their relations with fellow employees. They shall not make false reports or gossip concerning another City employee or any municipal matters. Nor shall they act in a manner directed toward creating a disturbance or dissension among other employees.
4. Conduct business and perform duties in accordance with the letter, spirit, and intent of all relevant laws and refrain from any illegal, dishonest, or unethical conduct.

### **502: Conflict of Interest**

Employees shall conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of this policy is to provide general direction so employees can seek further clarification when issues arise. Questions should be directed to the City Clerk or Mayor.

Transactions with outside firms must be conducted within a framework established and controlled by the Mayor. Business dealings with outside firms should not result in unusual gains for those firms or any City employee. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks and other windfalls designed to ultimately benefit the outside firm, the City employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific City Council approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or a relative as a result of the City's business dealings. For purposes of this provision:

1. A relative is any person who is related by blood or marriage to an employee or whose relationship is similar to that of persons related by blood or marriage.
2. Personal gain means an employee or an employee's relative:
  - a. Has significant ownership in a firm with which the City does business, or
  - b. Receives any kickback, bribe, gift, or special consideration as a result of any transaction or business dealings with the City.

Any employee with an actual or perceived conflict of interest shall disclose such conflict in writing to their supervisor and the Mayor as soon as possible so that safeguards can be established to protect all parties.

No employee shall solicit or accept gifts, money, or services from individuals or organizations doing or seeking to do business with the City. Gifts or promotional items received by employees from entities doing business with the City are the property of the City. Receipt of gifts or promotional items should be reported to your supervisor for advice on appropriate disposal or use.

### **503: Outside Employment**

Employees may hold another job with another organization provided it does not interfere with City employment and does not conflict with the interests of the City. The employee must obtain the written consent of their supervisor or the Mayor before taking a position of regular outside employment.

Occasional outside employment does not require written consent but is subject to the same conditions as a position of regular outside employment. No employee shall have employment with any person, firm, contractor or other organization that receives monies or other payments from the City.

If the City determines an employee's outside work interferes with an employee's performance or creates a conflict of interest, the employee may be asked to terminate the outside employment. Refusal by an employee to comply with such a request may result in disciplinary action up to, and including termination.

### **504: Hiring of Relatives**

The employment of relatives may cause serious conflicts of interest and problems with nepotism and employee morale. Relatives of current City employees may not be hired unless they work in different divisions or have different supervisors as the City employee. If the relative relationship is established after employment, the Mayor may reassign one of the City employees to a different department. If no reasonable reassignment can be made, the Mayor may terminate one or both of the employees.

### **505: Political Activity**

Employees are prohibited from engaging directly or indirectly in political activities during working hours or while on any City property.

To avoid any appearance of a conflict of interest, employees wishing to run for City Council or Mayor shall take an unpaid leave of absence pursuant to Section 409, not later than 30 days before the primary election, if held, or the general election. If the employee is elected in the general election, the employee shall resign from City employment before taking the oath of office. If the employee is not elected, the employee may return from leave within five working days following the election.

### **506: Safety and Health**

The City is committed to providing a safe and healthful working environment. In this connection, the City complies with relevant federal and state occupational health and safety laws.

The City aims to minimize employee exposure to health or safety risks. To accomplish this objective, all employees are expected to work diligently to maintain safe and healthful working

conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibilities of all City employees in this regard include:

1. Exercising maximum caution and good judgment at all times to prevent accidents and injuries;
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
3. Reporting unsafe conditions, equipment or practices to supervisory personnel;
4. Reporting the need for any additional safety equipment or procedure to supervisory personnel;
5. Using safety equipment provided by the City at all times; and
6. Observing, conscientiously, all safety rules and regulations at all times.

Desks and other storage devices may be provided for the convenience of employees, but remain the sole property of the City. City property is subject to inspection by any agent of the City at any time, either with or without prior notice. The City further reserves the right to inspect all persons entering and or leaving City offices and any packages or other belongings.

### **507: Use and Operation of City Vehicles and Equipment**

The use of any City-owned vehicle or equipment for personal use is strictly prohibited. On-call employees may house City vehicles overnight. Any City employee who operates a City-owned vehicle must have a valid Nebraska operator's license and must use seat belts at all times.

Transportation of animals is strictly prohibited unless it is an emergency.

If any employee has an accident with a City-owned vehicle, the employee will be required to exchange insurance and ownership information at the scene. The employee must also notify their supervisor within 24 hours. All traffic violations are the personal responsibility of the employee. Excessive violations involving the operation of City vehicles may result in dismissal.

### **508: Personal Vehicles Usage**

Employees are discouraged from using personal vehicles in the discharge of their employment duties with the City except for good cause. Reimbursement for personal vehicle use will only be paid upon prior authorization from the Mayor. In such circumstances, the employee will be paid actual mileage at the current rate being paid by the IRS and designated for governmental use.

### **509: Computers**

Computers, computer files, city emails, and software furnished to employees are City property intended for business use. All data entered on the City's computers or cell phones is considered the City's property and is subject to disclosure to law enforcement and the public. No employee should knowingly enter false or misleading information in the City's computer system or destroy any data the City needs to conduct its business.

The City will have unrestricted access to all employee computers and may monitor computer usage and files. The City Clerk shall keep a listing of all passwords to City computers. No employee may modify such passwords without permission from the Mayor and shall immediately notify the City Clerk of the updated password.

Employees should not store personal data on City computers. Unauthorized access to a computer or computer system or knowingly destroying a computer, computer system, computer software, or computer program is specifically prohibited. Violators will be prosecuted to the fullest extent allowed by civil or criminal law.

### **510: Internet Usage**

Internet is to be limited to business use, except employees may access the Internet for personal reasons during breaks and nonworking time. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or another person. No pornographic or other offensive sites may be viewed at any time. In addition, the City prohibits the downloading or installation of any application software onto City computers at any time. The City reserves the right to monitor all employee Internet use.

### **511: Telephone, Mail and Email Usage**

All telephone calls to the City must be answered promptly and courteously. Messages shall be forwarded as quickly as possible to the person for whom it is intended. The City recognizes employees may need to make personal calls during work hours. Such calls should be limited, when possible, to scheduled breaks and the lunch hour. Employees shall reimburse the City for any charges incurred by the City beyond the regular monthly billing amount from personal use of the City telephone. Employees are prohibited from using City-paid postage for personal correspondence.

City email accounts shall only be used for official City business and are subject to disclosure to law enforcement and the public. Accordingly, email correspondence should be treated as formal city correspondence and should be accurate, appropriate, ethical, and lawful. Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

### **512: Cellular Phones and Text Messaging**

Cellular phones have become a necessary and important tool for most employees, but should not interrupt an employee's job duties for the City. To the extent there is evidence that personal cell phone usage is interfering with an employee's job performance, the supervisor or Mayor may implement a policy to limit employee use of cell phones, except during breaks and lunch periods. In addition, cell phone use while driving is dangerous and specifically prohibited while driving a City vehicle or in a personal vehicle for City business. If you must make an emergency call while driving, you should pull to the side of the road and stop before making the call.

### **513: Office Security**

The City cannot be held responsible for the safety of personal belongings. Employees are advised to keep purses, money, keys, and other valuables in locked drawers. If an employee must work late or on weekends, the employee should be certain to keep all outside office doors locked.

To provide for the safety and security of City employees and facilities, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Family and friends of employees are discouraged from visiting for safety and security purposes. In cases of emergency, employees will be called to meet visitors outside their work area.

All visitors should first check-in at City hall. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on the City's premises, employees should immediately notify their supervisor or direct the visitor to City hall.

### **514: Credit Card Policy**

City employees are encouraged to request invoices for all purchases on behalf of the City. If a City employee must use the City's credit card for a purchase, the City employee may obtain the card from the City Clerk or Mayor. The City credit card must be returned to the City Clerk or Mayor by the close of business the same day, along with a receipt for all purchases made with the card. The City reserves the right to require reimbursement from an employee for all questionable or undocumented credit card expenditures.

### **515: Housekeeping**

Employees are responsible for maintaining a clean, uncluttered workspace. At the end of the working day, desks or work areas and city vehicles should be cleared and garbage emptied.

### **516: Solicitation**

The City recognizes employees may have interests in events and organizations outside the workplace. However, employees may not solicit goods or contributions or distribute literature

concerning these activities during work hours (excluding breaks). In addition, nonemployees may not solicit or distribute literature in the workplace at any time for any purpose.

### **517: Workplace Monitoring**

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction. Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance issues through targeted training.

The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent harassment and workplace violence.

Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to maintain confidentiality.

The City is sensitive to the legitimate privacy rights of employees and will conduct workplace monitoring ethically and respectfully.

## **SECTION 6: GROUP HEALTH AND RELATED BENEFITS**

The following is a brief summary of the benefit programs that are sponsored by the City for eligible employees. This summary is not a formal Summary Plan Description. Detailed information on these programs is provided in City insurance booklets and formal plan documents. As with any benefit plan, the City reserves the right to amend, modify, or terminate any of the benefit plans that it sponsors. If there is a discrepancy between the following descriptions and the plan documents, the plan provisions should be used and will control.

### **601: Insurance Coverage**

All eligible full-time employees of the City shall be provided access to health, accident, life, and dental insurance. There are conditions for coverage and eligibility as to this insurance coverage, and not all employees are eligible to receive such insurance. To determine whether you are eligible to receive such insurance benefits, please request a copy of the various insurance policies from the City Clerk. The City Clerk will also provide you with the name, telephone number, and the address of the Insurance Representative(s) who will answer your questions concerning eligibility and coverage.

### **602: COBRA Benefits Continuation**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees and their qualified beneficiaries to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates, plus an administration fee.

### **603: Training Activities /Business Travel Expense Reimbursement**

Employees are encouraged to participate in conferences, conventions, and meetings which have a direct relationship to the employee's position and the City's services. Any hours of attendance at the conference, convention or meeting shall be paid at the employee's regular wage and must be approved by the Mayor in advance.

The City will reimburse employees for reasonable travel expenses while attending training activities and other official business outside of the City. All business travel must be approved in advance by the Mayor. Employees whose travel plans have been approved should make all travel arrangements through the City Clerk.

Expenses that will generally be reimbursed include the following:

1. Conference registration expenses
2. Airfare for travel in coach or the lowest available fare.
3. Car rental fees for compact or mid-sized cars.
4. Fares for shuttle service, where available; costs of public transportation for other ground travel.
5. Taxi or ride-share fares
6. Milage costs for personal cars, when less expensive transportation is not available. The rate for mileage reimbursement will be equivalent to the current standard mileage allowance as determined by the IRS and designated for governmental use.
7. Parking
8. Accommodations at low to mid-priced hotels or similar lodgings.
9. Up to three meals per day, excluding alcohol, with a total cost not exceeding \$95
10. Telephone calls, internet use, and similar services required for business purposes.
11. Laundry and valet services, on trips for five or more days.

Employees shall submit travel expense reports within 14 days of completion of business travel. Reports shall be accompanied by receipts for all expenses sought to be reimbursed. Failure to include a receipt shall result in denial of such expense.

Family or friends may accompany an employee on business travel with prior approval when the presence of a companion does not interfere with the successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel with prior approval. Additional expenses arising from a companion or personal travel are not reimbursable by the City.

Employees should contact the City Clerk for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues. Abuse of this policy, including falsifying expense reports to include expenses not actually incurred, shall result in disciplinary action.

### **604: Unemployment Insurance**

Subject to eligibility requirements, the employees of the City are covered by unemployment insurance in the manner and to the extent provided by the laws of the State of Nebraska.

### **605: F.I.C.A. and Medicare**

Each employee and the City pay equal contributions to the employee's FICA and Medicare. FICA and Medicare serve as a base for retirement benefits and provide additional protection to the employee and his family in the areas of disability, dependents of disabled persons, lump-sum death benefit, Medicare and Survivor's benefits. Full information is available from any local Social Security Administration Office.

### **606: Worker's Compensation**

Every employee is covered for work-related injuries in accordance with Nebraska law. Inform your supervisor immediately if any injury occurs. No matter how minor the injury may seem, the employee should report such injuries immediately.

This insurance is paid entirely by the City and provides benefits under Nebraska law to employees when personal injury is caused to an employee by accident or occupational disease arising out of and in the course of his or her employment.

### **607: Pension Plan**

The City has established a retirement plan for all eligible full-time employees of the City known as the "Government Entities of Nebraska Retirement Plan". The stipulations of this plan are agreed upon and set by all participating communities with full regard to state and federal guidelines.

Currently, the City pays 7% of the employees' gross wage each pay period into their retirement plan account. The employee is required to contribute a minimum of 3% of their gross wages for each pay period into their retirement plan account. An employee is allowed to contribute a maximum of 10% of their gross pay into their retirement plan account. Further details regarding the plan may be obtained from the City Clerk.

## **SECTION 7: RULES AND OPERATING POLICIES**

### **701: Employee Evaluation**

Employees and Supervisors are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Employees will have an annual evaluation which will be conducted in September at a time and date to be determined by the Mayor and Council. The Mayor and any supervisor will meet with each employee personally for their evaluation. Evaluations will be used by the City to inform the employee of their performance of the assigned job and to determine the rate of pay for the employee. Employees are encouraged to ask questions and offer suggestions and constructive criticism.

Employees will be evaluated on the performance of their duties based upon the following guidelines;

1. General Quality of Work
2. Quantity of Work
3. Job Knowledge
4. Reliability
5. Attendance
6. Independence
7. Creativity
8. Initiative
9. Adherence to Rules
10. Cooperation
11. Communication Skills

## **702: Grievances**

It is the policy of the City to allow individual employees to discuss their complaints or grievances with their supervisors to try to find mutually satisfactory solutions as rapidly as possible. All complaints will be thoroughly investigated and treated with the utmost confidence consistent with the resolution of the problem. Appropriate corrective action will be taken, up to and including the discharge of offending employees.

1. All employee complaints should be immediately reported to their supervisor.
2. If their supervisor is not an appropriate person for lodging their complaint, an employee may submit a complaint in writing directly to the Mayor within four weeks after the occurrence of the event upon which the grievance is based.
3. After obtaining the point of view of the employee, the Mayor may endeavor to resolve the matter.
4. In the event the grievance is not promptly resolved in a manner satisfactory to the employee, the employee may promptly notify the Mayor's office in writing that the employee wishes to have the City Council review his/her grievance. The employee must submit his grievance in writing and may then discuss the grievance with the City Council at a time and place agreeable to the City Council within a reasonably expedient time after submission of such grievance.
5. The grievance decisions of the City Council are final.

## **703: Disciplinary Action**

Employees are expected to conduct themselves at all times to reflect credit on themselves and the City. Any action which reflects discredit upon the City or is a direct hindrance to the effective operation of public facilities may result in disciplinary action. To the extent possible, the City will attempt to correct work-related problems through the use of progressive discipline.

However, some offenses are so serious that a single incident will result in immediate discharge or suspension. Following are examples of unacceptable conduct, the performance of which by the employee will result in the employee being subject to immediate suspension or dismissal:

1. Insubordinate conduct. Insubordination is defined as an action, including but not limited to, the use of profane, vile or threatening language to a supervisor or about a supervisor;
2. Neglect of duty;
3. Consumption of or working under the influence of drugs or alcohol while on duty;
4. Disclosure of confidential information;
5. Theft or willful destruction of personal property;
6. Sleeping during duty hours;

7. Unauthorized absence during working hours, misuse of sick leave, misuse of overtime, break times, or lunchtime;
8. Deliberate falsification of employment records or other reports;
9. Sexual or other unlawful harassment of other employees or the public;
10. Conviction of any felony charge; and
11. Endangering the life or property of others.

The City will handle each situation on an individual basis according to the particular facts of the incident.

The first step in the City's progressive disciplinary system is a verbal warning by the Mayor or an employee's supervisor identifying the specific misconduct and any corrective actions to be taken by the employee.

The second step is a "written reprimand" to erring employees that their conduct is unacceptable, and further infractions will lead to more severe penalties. In cases involving performance deficiencies, employees first will be counseled by their supervisors and told which improvements are needed before they are subject to a written warning. A notice of the reprimand will be placed in the employee's file but will be inactive after 360 months if the misconduct does not recur or the performance deficiencies have been corrected.

The third level is a suspension. Employees may be suspended for repeated instances of minor misconduct or a single serious offense. Employees who fail to improve their conduct or performance after the imposition of a disciplinary suspension may be discharged.

The final level is termination or dismissal of the employee if prior disciplinary action does not have the result of satisfactorily correcting or resolving the misconduct. When necessary to relieve an employee from duty for disciplinary reasons, the Mayor has discretionary authority, to suspend or terminate an offending employee.

THE CITY IS NOT REQUIRED TO FOLLOW THE PROGRESSIVE DISCIPLINARY STEPS OUTLINED ABOVE AND MAY MODIFY ITS DISCIPLINARY PROCEDURES TO THE PARTICULAR CIRCUMSTANCES.

#### **704: Review of Disciplinary Actions**

All employees shall have the right to request a review of any disciplinary action taken against them. Within five days of the disciplinary action, the employee shall file with the City Clerk written objection to the disciplinary action. The City Clerk shall notify the Mayor of the objection and the Mayor will call a special meeting of the City Council sitting as the Board of Review. A majority of the Council is required to overturn any disciplinary action.

The City Clerk shall record all proceedings. The City shall first put into evidence its facts regarding the disciplinary action. The employee may cross-examine the witnesses of the City. Once the City rests, the employee may submit their own evidence. The City may cross-examine the employee's witnesses and the Council may cross-examine all witnesses. Final arguments shall

be heard from both parties. The Opinion of the Council shall be final and such opinion shall be put into writing signed by the Mayor.

These provisions do not alter the nature of an employee's employment status. All employees are subject to termination of employment at the will of the Mayor and/or City Council.

**705: Resignation**

Employees who wish to resign their positions are required to notify the City Clerk of their anticipated departure date at least two weeks in advance. This notice should take the form of a written statement submitted to the Mayor. If an employee plans to use vacation leave at the end of employment, the advance notice must be given two weeks before the beginning of the vacation leave.

**706: Exit Interview**

An exit interview will be arranged with the departing employee by the Mayor. The purpose of the interview is to ensure the employee's obligations to the City have been satisfied, to explain benefits or compensation available or owed to the employee, to clarify the reasons for termination and to obtain the employee's opinions about and suggestions for improvements in specific or general policies and practices of the City. The exit interview will be reviewed by the Mayor and placed in the employee's personnel file.

\_\_\_\_\_ Employee Initials

\_\_\_\_\_ City Representative Initials

RESOLUTION NO. 2025-08

WHEREAS, the City of Friend is facing an extreme staffing shortage which is precluding City employees from taking vacation time without compromising the safety and efficient conduct of the City's critical operations; and

WHEREAS, the City Council had previously adopted an Employee Handbook, which, pursuant to Section 402, mandates the forfeiture of any vacation leave exceeding 24 hours above the employee's annual allocation of leave time effective December 31, 2025; and

WHEREAS, the City Council has reviewed and considered the proposed disparate impact or such forfeiture of vacation time upon City Employees during this extreme staffing shortage,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA AS FOLLOWS:

1. In lieu of forfeiture of vacation leave exceeding 24 hours above the employee's annual allocation, employees shall be entitled to payment for any excess hours at the employee's base pay effective December 31, 2025.
2. This Resolution shall be effective for December 31, 2025 and shall not continue in future years without a separate finding by the City Council of a similar extreme staffing shortage.

Passed and adopted this 4th day of November, 2025 by the City Council of the City of Friend.

---

Jewels Knoke, Mayor

Attest:

---

Heather Varney, Acting City Clerk

Do not recreate or revise this document. Revisions and recreations will not be accepted. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2025. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2025. RECORD KEEPING: NDOT recommends that the municipality keep a copy of everything you send to NDOT (the forms and meeting minutes) in a separate file for future reference.

**RESOLUTION**  
**SIGNING OF THE**  
**YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT**  
**2025**

Resolution No. 2025-09

**Whereas:** State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

**Whereas:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

**Whereas:** The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**Whereas:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

**Be it resolved** that the Mayor  Village Board Chairperson  of City of Friend  
(Check one box) (Print Name of Municipality)  
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Friend, Nebraska.  
(Date) (Month)

City Council/Village Board Members

Jeremy Collier \_\_\_\_\_  
Kristen Milton \_\_\_\_\_  
Phyllis Schwab \_\_\_\_\_  
Dave Sladke \_\_\_\_\_  
\_\_\_\_\_

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed, and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

\_\_\_\_\_  
Mayor

Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2025. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2025. RECORD KEEPING: NDOT recommends that the municipality keep a copy of everything you send to NDOT (the forms and meeting minutes) in a separate file for future reference.

### Year-End Certification of City Street Superintendent For Determining Incentive Payment in Calendar Year 2025

Separate forms may be needed to account for the entire year, see (3) below

This Form Covers the Following Period: January (Month), 1 (Day), 2025 to December (Month) 31 (Day), 2025

\* (1)(a) The municipality of City of Friend (Print name of City or Village) certifies that: Christopher A Miller (Print name of Superintendent as it appears on license card if applicable) was the appointed City Street Superintendent during the above period. IF A NAME IS NOT ENTERED ABOVE (NO APPOINTED CITY STREET SUPERINTENDENT FOR THIS PERIOD), SKIP TO (2) BELOW.

(b) the superintending services of the above listed individual were provided by: (Check one box)

- Employment with this Municipality
- Contract (consultant) with this Municipality
- Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

(c) and the above listed individual assisted in the following: Reference Neb. Rev. Stat. §39-2512

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

(d) the above listed individual also served as (Check all boxes that apply) city engineer  village engineer  public works director  city manager  city administrator  street commissioner

(e) If the above listed individual is a Licensed City Street Superintendent, enter their Superintendent's License Number S- 1091 and Class of License A (A or B), and/or

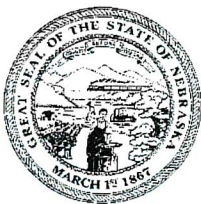
(f) If the above listed individual is a Licensed Engineer in Nebraska, enter their Engineer's License Number E- 8775

(2) \_\_\_\_\_  
Signature of Mayor  Village Board Chairperson   
(Check one box)

\* (3) If during the calendar year your municipality (a) did not have an appointed City Street Superintendent for any portion(s) of the year; or (b) had one or more appointed City Street Superintendent(s) that were not licensed for any portion(s) of the year; or (c) had one or more appointed licensed City Street Superintendent(s) for any portion(s) of the year, please complete a separate Year-End Certification form for each period. Copy this form as needed to account for these separate periods.

(4) The payment amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) the number of full calendar months served by the appointed City Street Superintendent who is licensed or exempted from licensure under the Superintendents Act; (c) class of license, A or B if applicable; and (d) if the appointed City Street Superintendent assisted with the required duties in (1)(c) above. Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.

(5) Failure to return by December 31, 2025, the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2025 to:

Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
PO Box 94759  
Lincoln NE 68509-4759

RESOLUTION NO. 25-10

WHEREAS, the City of Friend currently elects its candidates for City Council by ward;

WHEREAS, the City of Friend believes that it would be beneficial for the City and its patrons to change from nominating candidates for City Council by ward to nominating candidates at large, thereby opening up the electoral process to broader participation;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA AS FOLLOWS:

1. Pursuant to Neb. Rev. Stat. § 32-554(1)(b), the Friend City Council calls for the proposition set forth below to be placed on the ballot at the general election in November, 2026:

Shall candidates for City Council of the City of Friend, Nebraska, be nominated at large and elected at large.

2. The notice of election shall be given to all legal voters of the City of Friend, Nebraska and a copy of the sample ballot shall be published as required by law.
3. The City Clerk is authorized and directed to certify a copy of this resolution to the Saline County Clerk or Election Commissioner who shall designate the polling places, appoint the election officials, publish notice and all other required publications, and otherwise conduct the election as provided by law.

Passed and adopted by more than two-thirds of the members of the City Council, the Mayor declared this resolution passed and adopted this 4th day of November, 2025 by the City Council of the City of Friend.

---

Jewels Knoke, Mayor

Attest:

---

Heather Varnay, Acting City Clerk

AN ORDINANCE RELATING TO A CABLE TELEVISION SYSTEM AND SERVICES IN THE CITY OF FRIEND, IN THE COUNTY OF SALINE, IN THE STATE OF NEBRASKA, GRANTING AND RENEWING A NON-EXCLUSIVE FRANCHISE TO ~~DOUGLAS CABLE COMMUNICATIONS, L.P.~~ ZITO MIDWEST, LLC, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM AND SERVICE WITHIN THE AREA OF THE CITY OF FRIEND, NEBRASKA.

WHEREAS, Zito Midwest, LLC, is the successor-in-interest to Galaxy Cable, Inc. d/b/a Galaxy Cablevision; and

WHEREAS, Zito Midwest, LLC currently holds a non-exclusive franchise to operate a cable television system within the City of Friend, Nebraska, under franchise Ordinance #511 adopted by the City Council on August 1, 1995, as thereafter assigned; and

WHEREAS, the term of the franchise granted under Ordinance #511 was extended to December 31, 2025; and

WHEREAS, Zito Midwest, LLC, has requested that the City of Friend renew the franchise to operate the cable television system within the City of an additional fifteen (15) years upon such terms and conditions as further set forth herein; and

WHEREAS, the grant or renewal of a non-exclusive franchise requires submission to and approval by the City Council; and

WHEREAS, the management of telecommunication systems within the right of way of the City are necessary to preserve and protect the health, safety and welfare of City residents and is important in providing economic benefits within the City; and

WHEREAS, the City Council finds that the franchise terms and conditions contained in this Ordinance are in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA, AS FOLLOWS:

1. Authority. This Ordinance is passed and approved by the City Council of the City of Friend, Nebraska, hereinafter "City, and enacted pursuant to the laws of the State of Nebraska.

2. Franchise Grant. a) Pursuant to law, a non-exclusive franchise is granted to Zito Midwest, LLC, hereinafter "Grantee" to construct, own, and operate a cable television system in the City of Friend, Nebraska. This non-exclusive franchise is granted for a period of fifteen (15) years, said period to commence ~~June 4, 1995~~ December 31, 2025 and end December 31, 2040. This franchise shall vest all the rights, privileges, and immunities of a cable system with ~~Douglas Cable Communications, L.P.~~ Zito Midwest, LLC; however, this franchise shall be subject to and conditional upon all the terms, conditions, duties, and obligations established by the Federal Communications Commission and this Ordinance. b) While Grantee recognizes that this franchise is non-

exclusive, City agrees not to grant an additional franchise to another multi channel video provider on terms or conditions more favorable or less burdensome than with this franchise.

3. Rights Conferred by Franchise. a) This Ordinance confers upon the grantee the non-exclusive rights, authority, power and franchise to establish, construct, acquire, own, operate, and maintain a cable television system to engage in the business of transmitting, retransmitting and distributing voice, video, and data signals to subscribers for hire by means of coaxial cable systems or otherwise within the City of friend, Nebraska, and to render, furnish and sell such service to the inhabitants of the City and its environs, and to use and occupy the streets and other public places within the designated limits of the City as the same now exists or may hereafter exist for its cable system, including the right to enter and construct, erect, locate, relocate, repair, and rebuild, in, on, under, along, over, and across the streets, alleys, avenues, parkways, lanes, bridges, and to make use of all land dedicated or acquired for public use and locations approved by the City Engineer, and other public places in the City, for all towers, poles, cables, amplifiers, conduits and other facilities owned, leased, or otherwise used by Grantee for the furnishing of cable service within the City during the continuance of the franchise hereby granted, and in accordance with the laws, statutes, ordinances, rules and regulations of the United States, the Federal Communications Commission (FCC), the State of Nebraska, the County of Saline and the City of Friend, Nebraska.

b) The poles for the Grantee's distribution system shall be those erected and maintained by anyone authorized to maintain poles in the streets or public ways when and where practicable. It is contemplated that reasonable standard pole attachment agreements will be entered into with non-municipal utilities as required by Douglas Cable Communications, L.P. Zito Midwest, LLC. Grantee is specifically granted the right to set its own poles in the event reasonable joint use is not possible or feasible. In any areas where electric or telephone utilities are underground and in any new sub-divisions or new additions where said utilities are underground, the Grantee will lay its cable underground.

c) The City reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the Grantee and to reasonably designate where such facilities are to be placed within the public ways and places.

4. Installation of Cable System. a) The installation of the cable system shall be in accordance with the requirements of the National Electric Safety Code, and all applicable rules and regulations of the Federal Communications Commission.

b) The Grantee, at its expense, shall have the authority to trim trees upon and overhanging streets, alley, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee.

c) The Grantee shall at its expense, protect, support, temporarily disconnect, relocate or remove any property of the Grantee located upon streets, rights of way and easements of the City, when required by the City because of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, municipal power lines, and tracks or any other type of structure or improvement by the City on City facilities.

d) If federal, state, or local funds which the City received are made available to any other user of the streets (except for Grantee) for the purpose of defraying the cost of relocating or removing facilities and Grantee relocates or removes its facilities as required by the City under this franchise, the City shall notify the Grantee of such funding and will reimburse Grantee for its pro-rata share of such costs.

e) Any pavements, sidewalks, or curbing taken up by Grantee, and any and all excavation made by Grantee shall be done only after notice to City, and shall be done in such a manner so as to cause the least reasonable inconvenience to the inhabitants of the City and to the general public. All repairs and replacements shall be made at the expense of the Grantee, with all reasonable speed, leaving such disturbed areas in as good condition as existed prior to any such taking up or excavation.

5. Relocation of Property. The Grantee, at the request of any person holding a permit issued by the City, shall temporarily remove, raise or lower its wires or cables to permit the moving of buildings or equipment. The expense of such temporary removal, raising or lowering shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours advance notice for such temporary wire or cable change. The charge by the Grantee for such re-location shall not exceed Grantee's cost, and in any event shall not be more than a reasonable sum for such services.

6. Rates and Charges. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its services under this franchise and to assure an uninterrupted service to each and all of its customers.

7. Indemnification. The Grantee agrees to hold and save said City harmless from any and all liability that may arise out of the construction, maintenance, operations or use of Grantee's system and works and the provision cable television services. The Grantee agrees to provide and keep in force adequate liability insurance therefore, to the extent of bodily injury limits of \$500,000/\$500,000 and of property damage limit of \$300,000/\$300,000, naming the City as an additional insured, as its interest may appear. Grantee shall also provide and maintain insurance under a Broad Form Automobile Policy, with \$100,000/\$500,000 coverage limits and Workmen's Compensation insurance with Nebraska statutory limits. All insurance shall be issued by a company authorized to do business in the State of Nebraska, and shall be provided before the Grantee, its successors and assigns thereof, shall commence the

construction or other operations mentioned in this section. The City shall notify the Grantee's representative or employee in the City, if any, within ten (10) days after presentation of any demand or claim that may arise, whether by suit or otherwise, against the City. Grantee shall maintain on file with the City Clerk at all times a current certificate of insurance. All insurance policies shall, if possible, provide for not less than thirty (30) days notice of cancellation. The policies mentioned herein shall name the City, its officers, boards, commissions, agents and employees as additional insureds.

8. Payment to the City. In consideration of the rights, privileges, and franchise hereby granted, and as compensation to the City of the use of its public ways and places by the Grantee, and to properly regulate the activities of Grantee, the Grantee shall, on or before the last day of January and the last day of July of each year to which this franchise is effective, pay to the City a sum equal to three (3) percent of the gross subscriber revenues for cable television service within the then existing corporate limits of the City for the preceding six-month period ending on the last day of December and the last day of June respectively. The books of Grantee shall be open to inspection by the City at all reasonable times to verify the accuracy of the computation and correctness of the report which shall accompany payment. Grantee shall keep books and records pursuant to established practices using generally accepted auditing procedures.

9. Customer Service. Grantee shall maintain a "1-800" toll free telephone number whereby residents of the City may leave requests for service, repairs or adjustment, and leave other messages or complaints, with the Grantee at any time during normal business hours, all without any toll charges to any resident or customer.

10. Franchise Termination. ~~If the Grantee should violate any of the terms, conditions or provisions of this franchise, or if the Grantee should fail to comply with any reasonable provision of any ordinance of the City regulation the use by the Grantee of the streets, alleys, easements, or public ways of the City, or if the Grantee shall become insolvent, unable, or unwilling to pay its debts, or Grantee abandons the cable system, or after having constructed and placed all or any portion thereof in operation, for any reason fails to operate it for period of thirty (30) days, any such violation continues for thirty (30) days after the Grantee shall have been notified in writing by the City to desist from such violation so specified, or if the Grantee is adjudged a bankrupt, or there is notice of a prospective foreclosure or other judicial sale of all or a substantial part of the system, or Grantee is found to have practiced any fraud upon the City, then the City may terminate and cancel this franchise, and thereupon all of the rights and privileges granted by this franchise, shall be deemed to have been forfeited and annulled. In the event such forfeiture is imposed, the Grantee shall be afforded a period of six (6) months after a final order of forfeiture, and including any appeal thereof, within which to sell, transfer, convey or otherwise deemed to have been forfeited and annulled. In the event such forfeiture is imposed, the Grantee shall be afforded a period of six (6) months to sell, transfer, convey or otherwise dispose of the above described cable~~

television system to a qualified purchaser at fair market value. During the six (6) month period the Grantee shall operate the cable television system pursuant to the terms and provisions of this franchise.

10. Enforcement and Revocation Proceedings.

10.1. Notice of Violation or Default and Opportunity to Cure. In the event the City believes that the Grantee has not complied with the material terms of the Franchise, it shall notify the Grantee in writing with specific details regarding the exact nature of the alleged non-compliance or default.

10.1.1. Grantee's Right to Cure or Respond. The Grantee shall have forty-five (45) days from the receipt of the City's written notice: (A) to respond to the City, contesting the assertion of non-compliance or default; or (B) to cure such default; or (C) in the event that, by nature of the default, such default cannot be cured within the forty-five (45) day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that the cure will be completed.

10.1.2. Public Hearings. In the event the Grantee fails to respond to the City's notice or in the event that the alleged default is not remedied within forty-five (45) days or the date projected by the Grantee, the City shall schedule a public hearing to investigate the default. Such public hearing shall be held at the next regularly scheduled meeting of the City Council. The City shall notify the Grantee in writing of the time and place of such meeting and provide the Grantee with a reasonable opportunity to be heard.

10.1.3. Enforcement. Subject to applicable federal and state law, in the event the City, after such public hearing, determines that the Grantee is in substantial default of any material provision of the Franchise, the City may initiate revocation proceedings in accordance with the following:

(a) The City shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of non-compliance by the Grantee, including two or more instances of substantial non-compliance with a material provision of the Franchise. The notice shall set forth with specificity the exact nature of the non-compliance. The Grantee shall have ninety (90) days from the receipt of such notice to object in writing and to state its reasons for such objection. In the event the City has not received a response from the Grantee or upon receipt of the response does not agree that the allegations of non-compliance have been or will be resolved, it may then seek revocation of the Franchise at a public hearing. The City shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to request revocation of the Franchise.

(b) At the designated public hearing, the City shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, in accordance with the standards of a fair hearing applicable to administrative hearings in the State of Nebraska, after which

it shall determine whether or not the Franchise shall be terminated. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within ten (10) business days. The decision of the City shall be in writing and shall be delivered to the Grantee by certified mail. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the City “de novo” and to modify or reverse such decision as justice may require.

10.2 Technical Violation. The City agrees that it is not its intention to subject the Grantee to penalties, fines, forfeitures, or revocation of the Franchise for so called “technical” breach(es) or violation(s) of the Franchise, which shall include, but not be limited to the following:

10.2.1. In instances for matters where a violation or a breach of the Franchise by the Grantee was good faith error that resulted in no or minimal negative impact on the Customers within the Franchise Area; or

10.2.2 Where there existed circumstances reasonably beyond the control of the Grantee and which precipitated a violation by the Grantee of the Franchise, or which were deemed to have prevented the Grantee from complying with a term or condition of the Franchise.

10.3 No Removal of System. Grantee shall not be required to remove its Cable System or to sell the Cable System, or any portion thereof as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Grantee from providing Cable Service, if the Cable System is actively being used to facilitate any other services not governed by the Cable Act, or any portion thereof [47 U.S.C. §621 (b)].

11. Revocation. The City may issue an order of revocation only if, after the hearing and the City’s final determination of a violation, Grantee is not diligently, continuously and in good faith pursuing a cure, and if Grantee’s violation is not due to Acts of God or other causes which result from circumstances beyond Grantee’s control as set forth in the Force Majeure clause of Section 12 of this Agreement.

12. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes, but is not limited to, work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee’s Cable System is attached; unavailability of materials and/or qualified labor to perform the work necessary; acts of God; acts of public enemies, including terrorist attacks; orders of any kind of the government of the United States of America, the State of Nebraska, or the Commonwealth of Pennsylvania or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots; labor strikes; pandemics; epidemics; landslides; lightning; earthquakes; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts; explosions; unavailability of materials or equipment; partial or entire failure of utilities; or any other act outside the control of Grantee. Furthermore, the parties hereby agree that it is not the

City's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the City and/or Subscribers.

13. Assignment. Except for a mortgage or assignment to secure a loan to construct and operate said system, and transfer to an affiliate or entity controlling, controlled by or under the same common control as Grantee, Grantee shall not sell, lease, sublet, or transfer its System and the privileges granted herein without written approval of the City, which consent shall not be unreasonably withheld.

14. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional. The invalidity of any portions of this Ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required by Grantee by the franchise granted hereunder.

~~16. Sale or Transfer of Franchise. The Grantee shall not sell, transfer, lease, assign or otherwise dispose of this franchise without sixty (60) days prior written notification to the City by the Grantee.~~

Commented [JT1]: See Section 13 above

15. Plat of System. Upon request, Grantee shall file with the City and obtain approval thereof, a proper map showing and describing the exact location or proposal location of all its facilities within the City streets, alleys and public ways.

16. Complete Agreement. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance, excluding however all public utility franchises heretofore granted to public utilities, including utilities regulated by the Public Utility Commission.

17. Effective Date. This Ordinance shall take effect from and after its passage, adoption, and publication in the official City newspaper.

18. Renewal. The Grantee shall be entitled to a renewal of this franchise for an additional period of fifteen (15) years upon a showing that the Grantee has substantially complied with all material terms of the franchise, and has proposed in its request for renewal to continue to meet the terms of the franchise. The renewal procedures shall be governed by the applicable sections of the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.

Read ~~three (3) times and unanimously a~~Adopted and approved by the City Council of the City of Friend, Nebraska, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Mayor

Councilmembers:

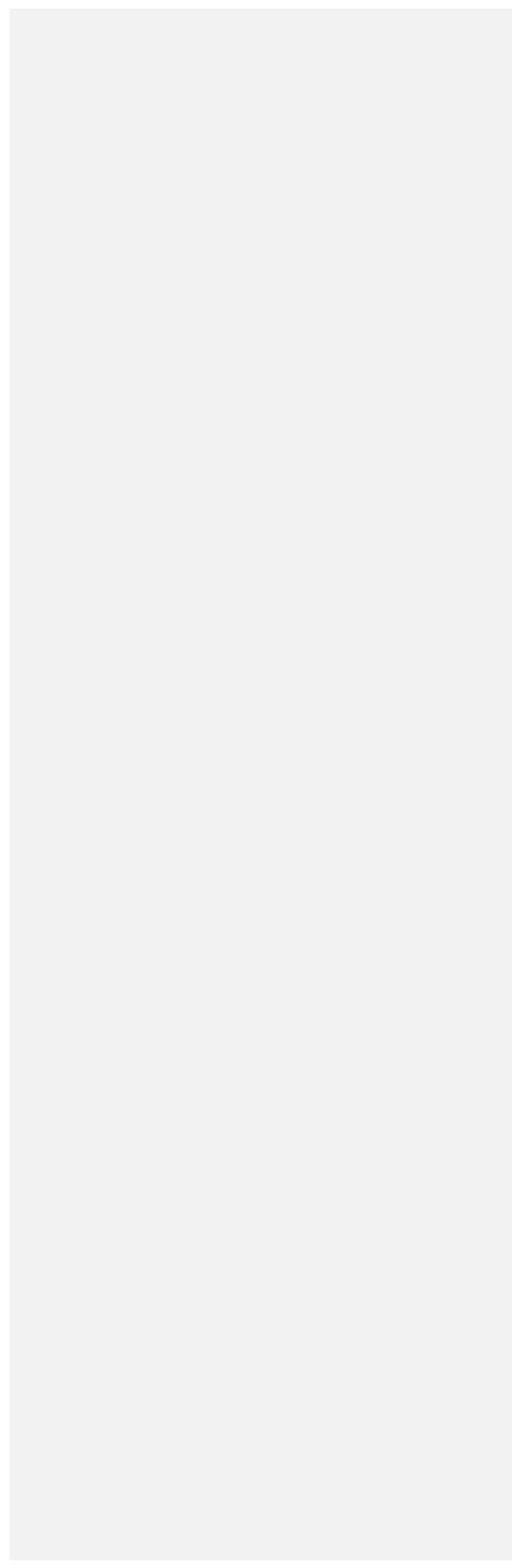
\_\_\_\_\_  
President

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
ATTEST: City Clerk







RECEIVED  
OCT 20 2024

October 15, 2025

The EMF Post Prom Committee is asking for your assistance! We have begun fundraising to prepare for the inaugural EMF Post Prom on April 18, 2026. This event is an opportunity for our juniors and seniors to finish their memorable night in a safe, drug and alcohol-free environment.

We are seeking support from area community members and businesses and appreciate any support you can provide for this event. We are offering multiple sponsorship levels this year:

- ★ Platinum -- \$250
- ★ Gold -- \$100
- ★ Silver -- \$50
- ★ Bronze -- \$25

We also welcome gift cards and other items we can give to the students as prizes at the end of the night.

We hope you will consider supporting the EMF Post Prom. Donations may be sent to the address below or dropped off at the school. Please make any checks payable to "EMF Post Prom". You may also donate via Venmo at @KatherineSpohn. Thank you so much for your time and generosity.

EMF Post Prom  
Attn: Stacy Kirchoff  
501 S. Main St.  
Friend, NE 68359

Sincerely,  
The Post Prom Committee

## ZONING AND PLANING BOARD MEETING

10/28/2025 Noon Meeting at City Hall

Meeting was called to ordered by President Stan Houlden. As per roll call, members present included Anita Meyer, Roger Brandt, John Ellison, and Stan Houden. Dave McCracken was not present. Dustin Payne was also in attendance.

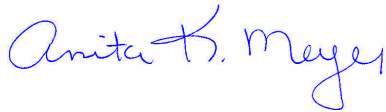
**ANNOUNCEMENT:** As required by the Nebraska Open Meetings Act, a copy of the Nebraska Open Meetings Act has been posted on the South door of the City Hall meeting room for all in attendance to review.

**MINUTES:** Minutes were previously emailed to all members with no changes. Therefore, minutes from the last meeting were not read.

**PAYNE AUTOMOTIVE ZONING PERMIT:** Dustin Payne explained, on behalf of Payne's Automotive, their plans of obtaining an automotive dealership permit to sell and have 8 - 10 autos for sale on their lot. However, in order to do so, zoning has to allow for a car dealership. Mr Payne stated they would not be parking them close to the curb. After discussion, Anita Meyer made a motion to recommend to the City Council to give Payne's Automotive a special zoning permit for as long as they own the business and real estate, that will allow for an automotive dealership. Roger Brandt made a second to the motion. All members ion attendance voted yes. Motion passed.

**OTHER BUSINESS:** There being no other business, Anita Meyer made a motion for the meeting to be adjourned, Stan Houlden made a second to the motion. Meeting adjourned.

Respectfully Submitted;



Anita K. Meyer, Secretary

Account Number: 1183103

Anniversary Date: December 1, 2025



October 20, 2025

003833

CITY OF FRIEND  
ATTN: Heather Varney  
235 MAPLE ST  
FRIEND, NE 68359

OCI INSURANCE AND FINANCIAL SERVICES, INC.  
4221 N 203RD ST STE 200  
ELKHORN, NE 68022-3474

As your upcoming renewal with Principal Life Insurance Company® approaches, we want to thank you for your continued business. Our goal is to offer competitive benefit solutions supported by exceptional service. Your business is important to us, and we look forward to supporting your business needs in the future!

### Your renewal

Your renewal rates are on the following pages. Your coverage will renew on your policy anniversary date (December 1, 2025).

Help your renewal go smoothly by reviewing this checklist: [principal.com/GroupInsuranceRenewal](https://principal.com/GroupInsuranceRenewal)

### How to renew your coverage

Your payment of the premium for the renewal rates will be considered your acceptance of these rates.

### Contact Us

If you have questions about this renewal or exploring alternate benefit designs, contact your broker or local Principal Life Insurance Company® sales office.

Sincerely,

Principal Financial Group®



Insurance issued by Principal Life Insurance Company®, Des Moines, IA 50392

GP61123-24

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06/2025

Account Number: 1183103

Anniversary Date: December 1, 2025

**Renewal rates**  
**Effective December 1, 2025**

**Dental**

<b>ALL MEMBERS</b>					
	<b>Lives</b>	<b>Current rates</b>	<b>Renewal rates</b>	<b>Current monthly premium</b>	<b>Renewal monthly premium</b>
Employee	4	\$23.94	\$25.57	\$95.76	\$102.28
Employee & spouse	0	\$49.19	\$52.54	\$ .00	\$ .00
Employee & child(ren)	0	\$59.56	\$63.61	\$ .00	\$ .00
Family	0	\$89.09	\$95.15	\$ .00	\$ .00
<b>Total</b>				\$95.76	\$102.28

Renewal rates are guaranteed through November 30, 2026.



**Principal Life Insurance Company**  
Des Moines, Iowa 50392  
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Insurance issued by Principal Life Insurance Company®, Des Moines, IA 50392

GP61123-24

06/2025