

ORDINANCE RECORD

No. 728 ★ ★ ★ K-B PRINTING Co. ★ ★ ★ OMAHA

CITY HALL LEXINGTON, NEBRASKA

The Mayor and Council of the City of Lexington, Dawson County, Nebraska, met in ~~irregular~~ special session in the City Hall at 8:00 o'clock P. M., on March 29, 1940. Mayor Kjar presided and City Clerk Olsson recorded the proceedings of this meeting.

The Mayor instructed the Clerk to call the roll. The Clerk called the roll and the following Councilmen were present: Gillan, Power, Seaman, Morgan, Barrett and Stewart.

Absent: none.

Whereupon the Mayor announced that the introduction of ordinances was now in order, and the matter now coming before the Mayor and Council was the passage and approval of Ordinance No. 360 of the City of Lexington, Nebraska.

This ordinance was introduced by Councilman Gillan and is in words and figures as follows, to wit:

ORDINANCE NO. 360

An Ordinance creating a Board of Public Works, of the City of Lexington, Nebraska; providing for the appointment of the members of such Board and for their respective terms of office, fixing their salaries, and defining their powers and duties, and requiring each member to take an oath and to give bond in the sum of \$5,000.00; providing for the employment and removal by said Board of a Light Commissioner, and a Water Commissioner, subject to the approval of the Mayor and Council, and providing that such Light Commissioner and Water Commissioner shall each be under the general jurisdiction and control of said Board; prohibiting any member of said Board from having any financial interest in any contract entered into by said Board; and providing for the publication of the minutes of each meeting of said Board in a legal newspaper printed and of general circulation in the City of Lexington.

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

Section 1. Said City of Lexington, Nebraska, being the owner of its water works system and being about to establish or acquire an electric distribution system and power plant, there is hereby created a Board of Public Works of the City of Lexington, which shall have active direction, supervision and power of operation of such water works system of said City, and of such electric distribution system and power plant when acquired by said City.

Section 2. Said Board of Public Works shall consist of five members, each of whom shall be a resident of said City, to be appointed by the Mayor, subject to the approval of the City Council, and such members may be removed by the Mayor and a majority of the members elected to the City Council at any time, with or without a hearing as to the cause for such removal; a majority of the members elected to the City Council shall determine whether or not such hearing shall be held prior to the removal of any member of such Board. The term of the first members of the Board of Public Works shall be one, two and three years in the manner designated by the Mayor, as the case may be, after which the term of each member shall be three years and the terms of not more

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than two members shall expire at any one time.

Section 3. There is hereby conferred upon said Board of Public Works the active direction and supervision of the water works system of said City and of such electric distribution system and power plant as may be acquired or operated by such City, and said Board shall have the power to operate the same and to exercise all powers conferred by law upon cities of the second class for the operation and government of such utility to the same extent, in the same manner, and under the same restrictions as the City Council could do if no such Board of Public Works existed, except, however, that said Board of Public Works shall not make any expenditures or contract any indebtedness other than for ordinary running expenses, exceeding in amount \$1,000.00, without first obtaining the approval of the City Council, and said Board of Public Works shall report to the City Council, as to all actions, operations, receipts and expenditures on the first day of each and every month. Any surplus funds in an amount up to \$30,000.00 arising out of the operation of such utility or utilities by the Board of Public Works, may be invested, in like manner and subject to the same conditions as the investment of similar funds of cities of the first class, as provided in Section 16-661, C. S. Supp., 1933.

Section 4. After the appointment and qualifying of the members of said Board as hereinabove provided, a water commissioner, shall, subject to confirmation by the Mayor and Council, be employed thereafter by said Board at such reasonable compensation as may be agreed upon at the time of such employment and shall thereafter be under the jurisdiction of said Board. And after said City shall establish or acquire an electric distribution system, a light commissioner, shall, subject to confirmation by the Mayor and Council, be employed thereafter by said Board at such reasonable compensation as may be agreed upon at the time of such employment and shall thereafter be under the jurisdiction of said Board. Either said water commissioner or light commissioner may be removed by the Board, after an opportunity to be heard before the Mayor and Council if he shall so request, for malfeasance, misfeasance, or neglect in office.

Section 5. Each of the members of said Board of Public Works shall after their appointment, take an oath to discharge faithfully the duties of his office before entering upon the discharge thereof. Each of the members of said Board before entering upon the duties of his office shall be required to give bond to the City with corporate surety or with such surety as public employees may be required to give under the terms and conditions of the State Bonding Fund Act, Chapter 12, Article 2, C. S. Supp. Neb., 1937. Such bond shall be in the sum of \$5,000.00 and shall be conditioned for the faithful performance of the duties of member of the Board of Public Works, and the surety on such bond shall be approved by the Mayor and Council and shall be filed with the City Treasurer; provided, the premium on said bond shall be paid out of any public utility fund designated by the Mayor and Council.

Section 6. Said Board of Public Works shall organize as soon as practicable after their appointment, by electing a Chairman and Secretary, who shall serve until the first meeting in June next following, and thereafter said Board shall elect a Chairman and Secretary at the first meeting in June each year. In the absence of the legal officers, temporary officers to serve in their places may be chosen by the members present at any meeting. They shall establish regular times for meeting and may adopt such rules as may be necessary or desirable for the conduct of their business. They shall keep a record of their proceeding and shall publish in some legal newspaper, published in and of general circulation in said City, the minutes of each meeting within 30 days after it is held.

Section 7. No member of such Board shall ever be financially interested, directly or indirectly, in any contract entered into by them on behalf of such City.

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Section 8. Rates or charges for services from such water works system, or from such electric distribution system, may be fixed or changed by resolutions, duly adopted by the Board of Public Works.

Section 9. If the Board determines that the best interests of the Municipality and the patrons of the utilities will be better or more economically served thereby, they may employ the duly elected City Clerk as ex-officio bookkeeper and collector for the utilities and he may be paid a reasonable salary for the extra services requested of him in such position in addition to his salary as City Clerk.

Section 10. No salary shall be paid to any member of the Board of Public Works.

Passed and approved this 29th day of March, 1940.

Albert A. Kjar
Mayor

ATTEST:

Jos. L. Olsson "
City Clerk

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No. 728--THE K-B PRINTING CO., OMAHA. COMPILED BY HAIN & WHITTEN, ATTORNEYS FOR NEBRASKA ORDINANCE REFERENCE BUREAU, LINCOLN.