

ORDINANCE # 132

Ordinance of the City of Gothenburg, Nebraska, Providing for the Creation of a Board of Public Works; Providing for the Duties and Powers thereof; Providing for the Terms of Office Thereof; Providing for the Bond of the Individual Members Thereof; Providing for the Investment of Surplus Funds; and Providing for the Repeal of All Ordinances or Parts Thereof in Conflict Herewith.

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

Section 1. There is hereby created the Board of Public Works, which shall consist of five members who shall be appointed by the Mayor, subject to the approval of the City Council, which said members shall be residents of the City of Gothenburg, Nebraska. Any member or members of the said Board of Public Works may be removed by the Mayor and a majority of the City Council at any time.

Section 2. The terms of office of the members of the Board of Public Works initially appointed shall expire, one on May 1, 1957, two on May 1, 1958 and two on May 1, 1959 as designated by the Mayor in making the appointments. As the terms of the members expire, the Mayor shall, on or before May 1st of each year, appoint or reappoint a member of the Board of Public Works for a term of three years to succeed the member whose term expires. Each member shall serve until the employment and qualification of his successors. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment of a member to fill the vacancy shall be made by the Mayor and approved by the City Council for the remainder of the unexpired term.

Section 3. The Board of Public Works shall have the active direction and supervision of the electric distribution system to be used and operated by such City of Gothenburg, and the system of Water Works owned by said City of Gothenburg. The said Board of Public Works shall have the power to operate said utilities and to exercise all powers conferred by law upon the City of Gothenburg, Nebraska, for the operation and government of such utilities 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 expenditure or contract any indebtedness other than for ordinary running expenses, exceeding in amount One Thousand Dollars, without first obtaining the approval of the City Council, and said Board of Public Works shall report to the City Council at least once each calendar month.

Section 4. The Board of Public Works is empowered to cooperate in a plan of insurance designated and intended for the benefit of the employees of either the electric distribution system or the water works operated by said city. For that purpose the Board of Public Works may make contributions to pay premiums or dues under such plan, authorize deductions of salaries of employees, and take such other steps as may be necessary to effectuate such plan of insurance.

Section 5. Any surplus funds in amount up to Thirty Thousand Dollars arising out of the operation of the electric distribution system or the water works, may be invested, if not invested in pursuance to the provisions of any other law upon the subject, by the said Board of Public Works, with the approval of the Mayor and Council of said City, in interest-bearing securities of the State of Nebraska or any political subdivision thereof, or in interest bearing securities of the United States upon an order for that purpose drawn by the Board of Public Works on the City Treasurer.

Such securities may be purchased, sold or hypothecated by the Board of Public Works for the approval of the Mayor and City Council, at the fair market value, and the interest earned by said securities shall be credited to the account of the utility from which the funds paid for the securities were originally drawn. Securities so purchased shall be held by the City Treasurer, who shall provide adequate bond for their safekeeping. When sold the Treasurer shall deliver the same to the purchaser and collect the sales price.

Section 6. The water commissioner and the light commissioner necessary for the operation of said utilities shall, subject to the confirmation by the Mayor and City Council, be employed by the ~~Said Board of Public Works~~ at such reasonable compensation as may be agreed upon at the time of such employment, and said ^{water} commissioner and light commissioner shall thereafter be under the jurisdiction of the said Board of Public Works. The water commissioner and the light commissioner may be removed by the board, after an opportunity to be heard before the Mayor and City Council, if he shall so request, for malfeasance, misfeasance or neglected in office.

Section 7. The members of the 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, 1957; and thereafter said board shall elect a chairman and secretary who shall serve until the first meeting in June, 1957; and thereafter said board shall elect a chairman and secretary at the first meeting in June each year. In the absence of the regular officers, temporary officers to serve in their places may be chosen by the members present at any meeting. The said Board of Public Works 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 proceedings and publish

a record of each meeting in the Gothenburg Times of Gothenburg, Nebraska within thirty days after it is held.

Section 8. Each of the members of said Board of Public Works shall 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. Such bond shall be in the sum of Five Thousand Dollars and shall be conditioned for the faithful performance of the duties of the member of the Board of Public Works; and the surety of such bonds shall be approved by the Mayor and City Council and shall be filed with the City Treasurer; provided, the premium on said bond shall be paid out of the electric distribution system fund or the water works fund as designated by the Mayor and City Council from time to time.

Section 9. No member of the Board of Public Works shall ever be financially interested, directly or indirectly, in any contract entered into by them on behalf of such City.

Section 10. If the Board of Public Works determines that the interests of the municipality and the patrons of the utility will be better or more economically served thereby, they may employ the duly elected City Clerk as ex-officio bookkeeper and collector for the utility or utilities, and he may be paid a reasonable salary for the extra services required of him in such position in addition to his salary as City Clerk.

Section 11. The salary of each member of the Board of Public Works shall be in the sum of \$150.00 per annum.

Section 12. Rates or charges for services for either the electric distribution system or the water works may be fixed or changed by resolution duly adopted by the Board of Public Works.

Section 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Section 15. That a state of emergency exists by reason of the imminent ~~and~~ acquisition by the City, of the electric distribution system located within said City and shall take effect on the proclamation of the Mayor, posted in at least three of the most public places in the City of Gothenburg, Nebraska.

Introduced by Clarence Deaver, Councilman

Passed and approved by unanimous vote of the Council this 3rd day of July, 1956.

ATTEST:

Muri Ballman
City Clerk

W. W. Olson
Mayor

PROCLAMATION OF THE MAYOR OF THE CITY OF GOTHENBURG, NEBRASKA


WHEREAS, on the 3rd day of July, 1956, the City Council of the City of Gothenburg, Dawson County, Nebraska, passed and approved Ordinance No. 132 by more than three-fourths majority, and

WHEREAS, said Ordinance Provides for the Creation of a Board of Public Works; Provides for the Duties and Powers thereof; Provides for the Terms of Office thereof; Provides for the Bond of the Individual Members thereof; Provides for the Investment of Surplus Funds and Provides for the Repeal of All Ordinances or Parts Thereof in Conflict Therewith, and

WHEREAS, said Ordinance recites that a state of emergency exists by reason of the imminent acquisition by the City of the electric distribution system located with said City,

IT IS THEREFORE PROCLAIMED by the Mayor of the City of Gothenburg, Nebraska, that a state of emergency exists and that copies of said Ordinance No. 132 together with copies of this proclamation, shall be posted in at least three of the most public places in the said City of Gothenburg, Nebraska, and that upon the posting of said Ordinance, together with copies of this proclamation as above provided, said Ordinance shall take immediate effect.

Dated this 3rd day of July, 1956.



Mayor of the City of
Gothenburg, Nebraska

C E R T I F I C A T E

The undersigned, City Clerk of the City of Gothenburg, Nebraska, hereby certify that Ordinance # 132, a copy of which is hereto attached, was passed and approved by more than three-fourths majority of the City Council of the City of Gothenburg, Nebraska on July 3, 1956, at a regular meeting of said Mayor and City Council of said City, and immediately thereafter the Mayor of said City issued a proclamation declaring a state of emergency existed and provided that said Ordinance would become effective upon the posting of the said Ordinance and the said proclamation in three of the most public places in the said City of Gothenburg, Nebraska, whereupon the undersigned, as City Clerk of said City of Gothenburg, posted copies of said proclamation and said Ordinance, one in the Office of the City Clerk, City Hall, Gothenburg, Nebraska, one in the lobby of the Gothenburg State Bank, Gothenburg, Nebraska, and one in the lobby of the First State Bank, Gothenburg, Nebraska on the 5th day of July, 1956.

Melvin Bullman
City Clerk