

ORDINANCE NO. 532

AN ORDINANCE MERGING THE OFFICE OF THE MUNICIPAL CLERK AND THE MUNICIPAL TREASURER; REPEALING SECTION 1-203, 1-206, 1-207 AND 1-208 OF THE MUNICIPAL CODE OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA, ORDINANCE NO. 272; ESTABLISHING THE POSITION OF THE CLERK TREASURER OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA BY MERGING THE OFFICES OF THE MUNICIPAL CLERK AND THE MUNICIPAL TREASURER; PROVIDING FOR THE DUTIES OF THE MERGED OFFICE OF CLERK TREASURER; PROVIDING THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Copies of sections 1-203, 206, 207 and 208 of Article II of the Gothenburg Municipal Code, Ordinance No. 272 are attached hereto and incorporated herein by this reference as though fully set forth.

SECTION 2. The offices of the Municipal Clerk and the Municipal Treasurer are hereby merged pursuant to the terms of this ordinance and such merger shall become effective on the 12th day of March, 1989. The merged offices of the Municipal Clerk/Treasurer shall have and retain the duties set forth in Section 5 of this ordinance from and after the effective date of such merger.

SECTION 3. On the effective date of the merger of offices, the existing Municipal Treasurer shall deliver to

the Clerk/Treasurer all funds and receipts for funds, and financial records of the City and shall render an accounting of the same.

SECTION 4. To the extent that any references are made to the municipal treasurer or to the municipal clerk in the Municipal Code of the City of Gothenburg, Ordinance No. 272 or in any ordinances passed, hereafter, such reference shall be deemed as referring to the Municipal Clerk/Treasurer from and after the effective date of this ordinance.

SECTION 5. Article 1-203 is hereby amended to read as follows:

Appointed officials; Municipal Clerk/Treasurer. The Municipal Clerk/Treasurer shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. The Municipal Clerk/Treasurer shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or cancelled, said record shall show the fact. The Municipal Clerk/Treasurer shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through the Municipal Clerk/Treasurer's office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. The Municipal Clerk/Treasurer shall file all official bonds after the same shall have been properly executed, and

approved. The Municipal Clerk/Treasurer shall make the proper certificate of passage which shall be attached to original copies of all bond of ordinances hereafter enacted by the Governing Body.

The Municipal Clerk/Treasurer shall issue, and sign all licenses, permits, and occupation tax receipts authorized by law, and required by the Municipal ordinances. The Municipal Clerk/Treasurer shall collect all occupation taxes, and license money except where some other Municipal officer is specifically charged with that duty. The Municipal Clerk/Treasurer shall keep a register of all licenses granted in the Municipality, and the purpose for which they have been issued.

The Municipal Clerk/Treasurer shall permit no records, public papers, or other documents of the Municipality kept, and preserved in the Municipal Clerk/Treasurer's office to be taken therefrom except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. The Municipal Clerk/Treasurer shall keep all of the records of such office, including a record of all licenses issued by the Municipal Clerk/Treasurer in a blank book with a proper index. The Municipal Clerk/Treasurer shall include as part of such records all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions, and ordinances relating

to the same. The Municipal Clerk/Treasurer shall endorse the date, and hour of filing upon every paper, or document so filed in its office. All such filings made by the Municipal Clerk/Treasurer shall be properly docketed. Included in such records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference. The Municipal Clerk/Treasurer shall keep, and preserve the proceedings of the Governing Body in two (2) separate, and distinct record books. The Minute Records shall contain a record of all the miscellaneous, and informal doings of the Governing Body. The Minute Record shall not include the passage, and approval of ordinances except such resolutions incorporating by reference the Ordinance Record into the Minute Record. The Ordinance Record shall contain the formal proceedings of the Governing Body in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk/Treasurer shall record, and spread at large in the Ordinance Record its ordinance minutes. In all cases hereafter where single ordinances are introduced for the consideration of the Governing Body, the Municipal Clerk/Treasurer shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record. The Municipal Clerk/Treasurer shall keep an accurate, and complete account

of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, the Municipal Clerk/Treasurer shall then make a report of the amounts appropriated to the various funds, and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

The Municipal Clerk/Treasurer shall deliver all warrants, ordinances, and resolutions under its charge to the Mayor for the Mayor's signature. The Municipal Clerk/Treasurer shall also deliver to officers, employees, and committees all resolutions, and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, the Municipal Clerk/Treasurer shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk/Treasurer shall prepare, and publish the official proceedings of the Governing Body in a legal newspaper of general circulation in the Municipality, and which was duly designated as such by the Governing Body. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except

that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May; Provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. The Municipal Clerk/Treasurer shall then keep in a book with a proper index, copies of all notices required to be published, or posted by the Municipal Clerk/Treasurer by order of the Governing Body, or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk/Treasurer's certificate under seal where the same are required to be posted only.

The Municipal Clerk/Treasurer shall receive all objections to creation of paving districts, and other street improvements. The Municipal Clerk/Treasurer shall receive the claims of any person against the Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk/Treasurer shall notify such claimant, its agent, or attorney by letter within five (5)

days after such disallowance, and the Municipal Clerk/Treasurer shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

The Municipal Clerk/Treasurer may charge a reasonable fee for certified copies of any record in the Municipal Clerk/Treasurer's office as set by resolution of the Governing Body. The Municipal Clerk/Treasurer shall destroy, Municipal records under the direction of the State Records Board pursuant to sections 84-1201 thru 84-1220; Provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal Clerk/Treasurer, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (Ref. 17-605, 19-1102, 19-1104, 84-1201 thru 84-1220, 84-612 RS Neb.)(Amended by Ord. No. 306,6/7/77)

The Municipal Clerk/Treasurer shall be the custodian of all moneys belonging to the Municipality. The Municipal Clerk/Treasurer shall keep all money belonging to the Municipality separate, and distinct from the Municipal Clerk/Treasurer's own money. The Municipal Clerk/Treasurer shall keep a separate account of each fund or appropriation, and the debits, and credits belonging thereto. The Municipal Clerk/Treasurer shall issue duplicate (2) receipts for all moneys received by it for the Municipality. The Municipal Clerk/Treasurer shall give to every person paying money into the Municipal Treasury, a receipt therefor, specifying the date of payment, and the account paid. One

(1) of the receipts shall be filed with the Municipal Clerk/Treasurer's monthly report, and the last copy of the said receipt shall be kept on file in the Municipal Clerk/Treasurer's office. The Municipal Clerk/Treasurer's books, and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. The Municipal Clerk/Treasurer shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by the Municipal Clerk/Treasurer, by writing, or stamping on the face thereof, "Paid by the Municipal Clerk/Treasurer," with the date of payment written or stamped thereon. The Municipal Clerk/Treasurer shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Clerk/Treasurer's daily cash book shall be footed and balanced daily, and the Clerk/Treasurer shall adopt such bookkeeping methods as the Governing Body shall prescribe. The Municipal Clerk/Treasurer shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing body. (Ref. 17-606 thru 17-609, 84-712 RS Neb.)

The Municipal Clerk/Treasurer shall at the end of each, and every month, and such other times as the Governing

Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. The Municipal Clerk/Treasurer shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by the Clerk/Treasurer. The Clerk/Treasurer shall also produce depository evidence that all Municipal money is in a solvent, and going back in the name of the Municipality. If the Municipal Clerk/Treasurer shall neglect, or fail for the space of ten (10) days from the end of each and every month to render the Clerk/Treasurer's accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Clerk/Treasurer shall be present at each regular meeting of the Governing Body at which time the Municipal Clerk/Treasurer shall read, and file such monthly report. (Ref.17-606 RS Neb.)

The Municipal Clerk/Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the first (1st) day of August of each year, a report of the activities of the Municipal Clerk/Treasurer's office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the

debit, or credit balance of the Municipality. (Ref. 19-1101 RS Neb.)

SECTION 6. Sections 1-206, 207 and 208 of Article II of the Gothenburg Municipal Code, Ordinance No. 272 are hereby repealed.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall become effective from and after its passage, approval and publication according to law.

Passed and approved this 6th day of December, 1988.

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

BY Eldon Lepp
Eldon Lepp, Mayor

ATTEST:

Connie Stull
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael E. Bacon
Michael E. Bacon
City Attorney