

**CITY OF BROKEN BOW
ORDINANCE NO. 1223**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING SECTION 32.06: BOARD OF PUBLIC WORKS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Section 1. That Section 32.06 of the Municipal Code be amended to read as follows:

§ 32.06 BOARD OF PUBLIC WORKS.

(A) Whenever the city has or is about to establish or acquire any system of waterworks, power plant, ice plant, gas plant sewerage, heating or lighting plant or distribution system and the City Council has created a Board of Public Works, the Board shall consist of not less than three, nor more than six members, residents of the city, to be appointed by the Mayor, subject to the approval of the City Council. The members may be removed by the Mayor and a majority of the members elected to the City Council at any time. The term of the first members of the Board shall be one, two, three or four years in the manner designated by the Mayor, as the case may be, after which the term of each member shall be four years; and the terms of not more than two members shall expire at any one time. (Neb. RS 17-801)

(B) The Board of Public Works shall have the active direction and supervision of any or all of the utility systems owned or operated by the city as conferred on it by the City Council. The City Council shall approve the budget of each proprietary function as provided in the Municipal Proprietary Function Act. The Board shall have the power to operate any utility referred to it and to exercise all powers conferred by law upon the city for the operation and government of the utility to the same extent, in the same manner and under the same restrictions as the City Council could do if no Board of Public Works shall existed; except that, the Board of Public Works shall not make any expenditure or contract any indebtedness other than for ordinary running expenses, exceeding the amount established by the City Council, without first obtaining the approval of the City Council. **All actions of the Board shall be subject to the review and supervision of the City Council.** The Board of Public Works shall report to the City Council at regular intervals as it may require.

(Neb. RS 17-802)

(C) If so authorized and empowered by the Mayor and Council, the Board of Public Works may cooperate and participate in a plan of insurance designed and intended for the benefit of the employees of any public utility operated by the city. For that purpose the Board of Public Works may make contributions to pay premiums or dues under the plan, authorize deductions from salaries of employees and take other steps as may be necessary to effectuate the plan of insurance.

(Neb. RS 17-802.01)

(D) If a city of the second class has created a Board of Public Works as provided in section 17-801, the water commissioner and light commissioner shall, subject to confirmation by the mayor and city council, be employed by such board at such reasonable compensation as may be agreed upon at the time of such employment and shall thereafter be under the jurisdiction of such board, any of the provisions of sections 17-501 to 17-560 to the contrary notwithstanding. Any water commissioner or light commissioner, under the jurisdiction and control of the board of public works, may be removed by the board, after an opportunity to be heard before the mayor and city council if he or she shall so request, for malfeasance, misfeasance, or neglect in office.

(Neb. RS 17-804)

(E) The members of the Board of Public Works shall organize as soon as practicable after their appointment, by electing a Chairperson and Secretary, who shall serve until the first meeting in June next following; and thereafter, the Board shall elect a Chairperson 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. They shall establish regular times for meeting and may adopt the rules as may be necessary or desirable for the conduct of their business. They shall keep a record of their proceedings and if there is a legal newspaper published in or of general circulation in the city, shall publish therein the minutes of each meeting within 30 days after it is held. (Neb. RS 17-805)

(F) Each of the members of the Board of Public Works shall take an oath to discharge faithfully the duties of the office before entering upon the discharge thereof. Each of the members of the Board before entering upon the duties of the office shall be required to give bond to the city with corporate surety. The bond shall be in the sum of \$5,000 and shall be conditioned for the faithful performance of the duties of members of the Board of Public Works and the surety on the bond shall be approved by the Mayor and Council and shall be filed with the City Treasurer; provided that, the premium on the bond shall be paid out of any public utility fund designated by the Mayor and Council.

(Neb. RS 17-806)

(G) No member of the Board of Public Works shall ever be financially interested, directly or indirectly, in any contract entered into by him or her on behalf of the city for more than \$10,000 in one year.

(Neb. RS 17-807)

(H) If the Board determines that the best interests of the city and the patrons of the utility will be better or more economically served thereby, it may employ the duly elected City Clerk/Treasurer as ex officio bookkeeper and collector for the utility or utilities and he or she may be paid a reasonable salary for the extra services required of him or her in the position in addition to his or her salary as City Clerk/Treasurer.

(Neb. RS 17-808)

(I) Rates or charges for service may be fixed or changed by resolution duly adopted by the Board of Public Works.

(Neb. RS 17-810)

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Passed and approved this 14th day of April, 2020.



Rod Sonnichsen, Mayor

ATTEST:

