

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 31.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 31.21 of the La Vista Municipal Code is amended to read as follows:

§ 31.21 CITY TREASURER.

(A) (1) The City Treasurer shall receive all money belonging to the city and shall keep books and accounts in such a manner as the Mayor and City Council shall prescribe. The Treasurer shall keep a daily cash book, which shall be footed and balanced daily, and such books and accounts shall always be subject to inspection of the Mayor, members of the City Council, and such other persons as they may designate. (Neb. RS 16-717)

(2) The Treasurer shall keep all money in his or her hands belonging to the city separate and distinct from the Treasurer's own money. The Treasurer is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his or her custody and keeping for his or her own use and benefit or that of any other person whomsoever. Any violation of this provision shall subject the Treasurer to immediate removal from office by the City Council, and it may declare such office vacant. The Mayor shall appoint a successor who shall be confirmed by the City Council to hold office for the remainder of the term.

(Neb. RS 16-719)

(3) The Treasurer shall be required to give bond in not less than \$25,000 or may be required to give bond in double the sum of money estimated by the City Council at any time to be in his or her hands belonging to the city and school district, and the Treasurer shall be the custodian of all money belonging to the corporation. The City Council shall pay the actual premium of the bond of the Treasurer. The Treasurer shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. The Treasurer shall give every person paying money into the treasury a receipt therefore, specifying date of payment and on what account paid and shall also file a copy of the receipts, except tax receipts, with his or her monthly reports. The Treasurer shall at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. The Treasurer shall also accompany such account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with all vouchers held by the Treasurer, shall be filed with the account in the Clerk's office. The Treasurer shall produce and show all funds shown by the report to be on hand or satisfy the City Council or its committee that he or she has such funds in custody or under control. If the Treasurer neglects or fails for the space of ten days from the end of every month to render his or her account, the treasurer's office may, by resolution of the Mayor and City

Council, be declared vacant, and the Mayor shall appoint and the City Council confirm some person to fill the vacancy until the next election for city officers. The Treasurer may employ and appoint a delinquent tax collector, who shall be allowed a percent upon collections to be fixed by the City Council not to exceed the fees allowed by law to the county treasurer for like services, and upon taxes collected by such delinquent tax collector the City Treasurer shall receive no fees. The City Treasurer shall prepare all paving and curbing tax lists and shall collect all paving and curbing taxes.

(Neb. RS 16-318) ('79 Code, § 1-309)

Statutory reference:

Treasurer's statutory duties, Neb. RS 16-717 through 16-722

(B) The Treasurer shall make duplicate receipts for all sums paid into the Treasury, which receipts shall (i) specify the date of payment and what account paid; (ii) show the source from which such funds are derived and (iii) by distinct lines and columns, show the amount received to the credit of each separate fund, and whether same was paid in cash, in warrants, or otherwise, one of which duplicates the Treasurer shall deliver to the person making such payment and the other he or her shall retain in his or her office and file such copy (except tax receipts) with his or her monthly reports.

(Neb. RS 77-2209) ('79 Code, § 1-310)

(C) The Treasurer shall daily, as moneys are received, foot the several columns of his or her cashbook and of his or her register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in such register and shall carry forward the excess. Any Treasurer who shall fail regularly to enter upon his or her cashbook the amounts so received and receipted for, or who shall fail to keep his or her cashbook footed from day to day for the space of three days, shall forfeit for each offense the sum of \$100 to be recovered in a civil action on his or her official bond by any person holding a warrant drawn on such Treasurer, one-half to the person bringing such action and one-half to the school fund of the county in which the action is brought. The cashbook, register and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid.

(Neb. RS 77-2210 through 77-2212) ('79 Code, § 1-311)

(D) It shall be the duty of the Treasurer to prepare and publish annually, within 60 days following the close of the city fiscal year, a statement of the receipts and expenditures by funds of the city for the preceding fiscal year. Not more than the legal rate shall be charged and paid for such publication. Such publication shall be made in one legal newspaper of general circulation in the city. Any Treasurer failing or neglecting to prepare and publish such statement of receipts and expenditures shall be deemed guilty of a misdemeanor and shall upon conviction pay a fine not to exceed \$25 and be liable in addition to removal from office for such failure or neglect.

(Neb. RS 19-1101, 19-1103, 19-1104) ('79 Code, § 1-312)

(E) (1) The Treasurer shall keep a warrant register which **register** shall show in columns arranged for that purpose, the number, date and amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest and the total amount paid thereon, with the date when notice to the person in whose name such warrant is mailed as herein provided **registered is mailed**.

(Neb. RS 77-2202)

(2) On presentation of a warrant for payment to the Treasurer when there are not sufficient moneys on hand to the credit of the proper fund to pay the same, it shall be the duty of the Treasurer to enter such warrant in his or her warrant register for payment in the order of its presentation, and he or she shall endorse on the warrant the words "registered for payment" with the date of registration and shall sign such endorsement, whereupon the warrant shall draw interest at the rate fixed by the Mayor and City Council, which rate shall be endorsed on the warrant, until notice of payment shall be given the registered owner.

(Neb. RS 45-106 and 77-2203)

(3) The Treasurer shall neither directly or indirectly contract for or purchase any city warrant at any discount whatever upon the sum due on such warrant or order, and if he or she shall so contract for or purchase any such order or warrant, he or she shall not be allowed in settlement the amount of such order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant.

(Neb. RS 77-1741) ('79 Code, § 1-313)

Cross-reference:

Finance Director to perform duties of the City Treasurer, see § 31.01 of this code of ordinances

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk